

X

THE ARENA

VOLUME XXIV.

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The ARENA

World's Leading Review

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This Number

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By J. M. SCANLAND

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AND THE UNITED STATES

By
JUSTIN S. KIRREN

RAILROAD

CONTROL IN JAPAN

By KEIKICHI ABE

JULY, 1900

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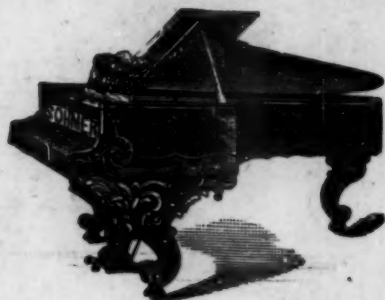
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—HEINE.

THE ARENA

VOL. XXIV.

JULY, 1900.

No. 1.

THE CONCENTRATION OF COMMERCE.

I. OVER-CAPITALIZED INDUSTRIAL CORPORATIONS.

NOW that the creation of new industrial corporations has ceased, American financiers are beginning to realize what a load of unnecessary securities the market is staggering under. Such periods of wild speculation and over-capitalization of enterprises of questionable merit as Wall Street has just passed through usually mark the culmination of any season of exceptional prosperity. The easy money conditions and active business that have recently existed in this country aroused the cupidity of unprincipled financial sharpers and even tempted usually conservative interests to embark in a series of enterprises that could only result in the loss of money by the public and the same relative gains by those engineering these undertakings. With but few exceptions, the new corporations were formed to acquire manufacturing plants, combining in one concern the various firms and small companies engaged in given lines of industry. These consolidations were weighted down with enormous capitals, far in excess of the actual value of properties secured. The process of absorption by investors has been attended by violent fluctuations in the stock market, which led to the collapse of last December and a steady decline in quotations, which has progressed with but

few interruptions since that time. Even now this assimilation is far from complete; and judging from the shock to confidence, from the demonstration of the absolute failure of some of the new corporations, the public will be still more wary and inclined to sell present holdings rather than make new commitments.

These combinations have been popularly known as Trusts, but with few exceptions this appellation is not a correct one. There has been no proper definition of the meaning of the word "Trust" when used in this sense, the vague notion prevailing that it refers to any aggregation of capital that acquires possession of and consolidates the competitors in any line of trade, manufacture, or business. In the correct interpretation of the word, such control must constitute an absolute monopoly. It is almost needless to say that not one of the recently-formed organizations, no matter how great its capital, has secured entire control of any one industry. The companies formed to consolidate the iron and steel producing concerns are generally accepted as examples in any popular dissertation on Trusts. Nothing could be plainer than that these alleged Trusts are in reality competing one with another. This was difficult to discern when the prices of all commodities were advancing, and the question that most disturbed producers was how to handle existing business instead of how to secure new orders. The moment a retrograde movement developed, such as is now in evidence, the competition comes to the surface. In reality the Standard Oil Company is the only Trust in the United States that spreads its influence everywhere. This grasping corporation is unique in that it makes no effort to control the output of crude petroleum. This is its strongest point. Notice was served upon oil producers long ago that they could place all the petroleum possible upon the market, but that the only purchaser would be the Standard Oil Company. In this way individuals have been encouraged to sink petroleum wells. The Standard Oil Company has not been called upon to sustain any of the losses resulting from unsuccessful efforts to "strike oil," but when the petroleum has been found it has stood ready to buy all of it at a fair price.

Recent organizations have been confined almost entirely to the industrial field, where suitable opportunities were alone to be found. The same class of unscrupulous persons who in former years devised new railways, which were over-capitalized and sold to the public, were found among the leaders in the recent so-called "Trust craze." The one idea underlying all this pernicious activity was to create new securities, which the public were inveigled into buying by the circulation of the most glowing reports concerning possible earnings and dividends. Many of the conservative banking interests looked askance at these palpable bids for the public's money, for which little was to be given in return except vague promises. An effort was made to check the work of the promoter and engraver by the bankers, many of whom refused to loan money when these new stock creations were offered as collateral. This action was, however, too tardy to prevent the mischief already done, which led inevitably to the panic of last December. The scare that then took possession of investors and speculators was not based upon any reasonable consideration of the then existing financial conditions. It was caused solely by the congested state of the securities market, resulting from the unloading by insiders of the new securities upon general speculators and investors until they could no longer stagger under the heavy weight. Just at the time when a note of alarm was being sounded, and the thinking men in financial circles were beginning to trim their sails for a coming storm, the National City Bank lent its name to the organization of the Amalgamated Copper Company, which was one of the most alluring of the industrial possibilities. Standing at the head of the banking institutions of this country, this display of subserviency to those engineering the so-called Copper Trust was by no means an edifying spectacle to those inclined to look with favor only upon conservative and safe banking principles. This flotation proved to be the turning-point in the stock market. The last straw had been laid upon the bending back of the collective public investment and speculative class.

While the Copper Trust had only one kind of stock, a majority of the industrial companies recently formed were capi-

talized for both preferred and common issues. Against the large amounts of common or general shares, the only asset was the intangible value of "good will" and agreements with individuals whose plants were acquired not to compete for a term of years with the purchasing corporation. There was no actual consideration given for this class of stock, which in almost every case exceeded in volume the amount of preferred shares. In fact the common stock was distributed gratuitously to the promoters of the various enterprises, so that no matter at what price it was sold in the open market it represented clear profit to the original holders. With all this "water" injected into the new capitalizations, it is not surprising that the public, after being allured by flattering promises into purchasing, should have sold out in disgust when the crash came. The liquidation would not have been so radical had it not been for the collapse of the American Malting securities, the bankruptcy of the United States Flour Milling Company, and the evidences of weakness shown by the Distilling Company of America. In these cases the preferred shares fared quite as badly as the common issues. This calls attention to another method resorted to by these energetic promoters of buying various establishments for cash and then having them appraised at double the actual purchase price, in order to secure the preference shares that were supposed to be issued on a conservative basis for actual property acquired. Not since the palmy times of the late Jay Gould and "Jim" Fiske, have the annals of American financial affairs contained such dark pages as the period now happily passed, which will be known as the days of the "Trust craze," even though the term is a misnomer. The Stock Exchange itself cannot escape some measure of censure for permitting trading in the new securities without safeguarding the public by compelling the corporation to file regular statements of assets, liabilities, and general financial condition.

Only during periods of extraordinary business activity, when high prices are obtainable for all manufactured goods, can there be even a remote possibility of dividends being earned and paid upon the new common stocks. Even during the last

year, when every industry of the country was unusually prosperous and many of the new corporations reported earnings largely in excess of fixed charges and preferred stock dividends, the directors found it inexpedient in many instances to distribute profits to the common shareholders. As the years progress, during which present machinery will become antiquated and new plants will have to be acquired in order to keep in line with improvements of every variety, the weight of the present unnecessary capitalizations will become more oppressive. Perhaps the preferred stockholders will continue to receive dividends, but for the common shares there seems to be no hopeful future except upon a purely speculative basis, which is uncertain at best. New competing concerns with smaller capital, which will enable them to manufacture on a narrower basis of profit, will spring up. Many of the old ironmasters, tobacco manufacturers, whisky distillers, and others now under contract not to engage in business in opposition to the companies that acquired their former interests, will tire of prolonged inactivity and will erect new plants, either because the business is congenial or because the so-called Trust, then grown older, must pay them again to withdraw by buying their new plants, for which more securities will have to be issued.

It is, of course, not beyond the range of possibility that some of these new corporations will be successful. There may in fact be at least one of them that will prove to be a second edition of the Standard Oil Company. There are, however, no indications at the moment of such long-sustained financial prosperity. At any event, the originators of the companies will have to be replaced by more conservative persons before such a result can be accomplished. The United States is a great and growing country. Few nations could have withstood without more serious consequences the recent reckless speculations in over-capitalized corporations. This speculation has, however, dealt a staggering blow to the middle classes from which the securities market is still suffering. The average American enjoys gambling to an inordinate degree. These industrial common shares, to which the promoters were calling attention just

as an auctioneer invites the buying of his wares, caught the popular fancy. The protest and advice of the conservative interest in financial circles were unheeded. The financial strength of a nation does not depend upon the enormous aggregations of money held by a few individuals, but by the number of its citizens who are moderately well-to-do. The result of the "Trust craze" has been to take from the middle classes a portion of their savings or earnings and transfer it to those already rich. In this one respect the period has been a costly one to the masses. No new wealth was created—no new enterprises started that might benefit the country at large. There was not one redeeming feature, save the possibility that there may be economies in operating that will tend ultimately to reduce the cost of production. Even this result will, however, not prove beneficial to the holders of the unnecessary issues of common shares. Those bankers who lent themselves to these undertakings—fortunately, comparatively few in number—have nothing to feel proud of when the high prices at which these securities were sold to the public are compared with their present low quotations in the market.

EDWARD GODWIN JOHNS.

New York.



II. CO-OPERATIVE BUSINESS vs. TRUSTS.

IT is generally conceded that the most marked industrial characteristic of our age is the rapidly increasing concentration of commerce in the hands of a comparatively small number of people; and no other subject, except perhaps the labor question, possesses a deeper or more disquieting import, both present and prospective, for a large portion of the community, especially for our practical economists, publicists, and legislators.

Before the introduction of steam and other motors, before the discovery of the various commercial, mechanical, and other uses to which electricity could be practically applied, and be-

fore the improvement and extension of our transportation facilities, such a movement could have had no existence—indeed, it could scarcely be imagined. The promise and potency of steam were but dimly discerned when the first train ran over the Stockton and Darlington railroad seventy-three years ago. Its utility as a motor for a thousand other purposes was not then realized. The millions of mills and manufactories that have since sprung into existence and attested its power as a factor in agricultural, manufacturing, and general commercial development were undreamt of; yet now, notwithstanding its unparalleled record and value as a motor, electricity and other motive powers have become its rivals and bid fair to supplant it with a promise so marvelous that no one will venture to predict the nature and extent of the progress that awaits the world in the course of a few years.

While new and powerful motors, machinery of all kinds, railways, steamboats, the telegraph, and recent scientific discoveries are the chief causes of the rapid concentration of commerce and wealth in a few hands, yet it must be observed that, without the consummate organization of business methods and appliances that is also characteristic of our time, such a concentration would not be practicable. This organization—plus capital, plus increasing and improving facilities for production and distribution—renders it seemingly impossible to place any limit on the concentrating movement. The accumulation of vast wealth and the control of enormous business interests by a few are regarded by many as a menace to the commonwealth. That they are a menace and an injury to the large commercial class whose means are only moderate there is no doubt, and that they may become a source of danger to the people as a whole is quite within the range of possibility. But how is this concentration to be limited or abated? The doctrine that every one has the right to buy in the cheapest and sell in the dearest market is at once an instinct of the human mind, the core of self-interest, and the immutable axiom of both capital and labor; moreover, it is a doctrine that has never been successfully assailed by human reasoning. If, indeed, the Golden

Rule were universally obeyed, this doctrine would dissolve and usher in a new humanity and a new world—a heaven upon earth. But to-day individuals and aggregations of individuals constantly act on the principle of buying in the cheapest and selling in the dearest market, and in their hearts recognize no other; and were a general spoliation of the millionaires to occur to-morrow, and an equal division of their hoards to be made among the masses, the latter would on the day following begin to buy in the cheapest and sell in the dearest market—and thus immediately sow the germs of a new concentration of wealth and commerce.

This movement possesses a tragic interest for all engaged in commerce, except the favored few immediately concerned in the process. The first to feel its effects are the smaller dealers—men with limited means to pay rent and other expenses that are high in proportion to the volume and profits of the business they transact: men that are unable to take advantage of the discount allowed on purchases for cash and whose exigencies sometimes compel them to give more credit than is warranted by their means. These men are gradually being forced out of business by the larger stores; and that the movement, beginning at the lowest, will attack in succession every grade in every line of business and attempt to establish itself in their place is becoming daily more evident. The tendency of concentration—another word for monopoly—is to destroy the business of hundreds of thousands of people who are now actively and profitably engaged in trade, make stepping-stones of them, and rise pyramid-like on their ruins. The pyramid, indeed, is an apt illustration of the movement: its base may be said to represent the entire area of commerce before undue concentration began, and the subsequent contracting elevations represent its progressive stages, until at length the apex, which will dominate the whole space, is reared.

That there are natural checks in the world of commerce, as in other departments of human activity, is unquestionable; and one of the most obvious of these, as regards concentration, is coöperation. When all the issues involved in the struggle be-

tween the moneyed class and the large number of small capitalists are more clearly seen, coöperation, whether embracing employees only or employers and employees together, will emerge in a much more effective form than ever to take a hand in the fight. But at present coöperation, while successful in several notable instances and susceptible of being made successful in a great many more, is unequal to the gigantic task. It is defective in capital, in method, in unanimity of ideas, and in unanimity of purpose. While it has grasped a fair idea of the peril surrounding the great army of smaller business men and their dependents, it has not risen to a full sense of the danger and is insufficiently equipped to do battle on their behalf. However, when coöperation develops sufficiently and assumes its rightful position, much may be expected from it; its characteristic weaknesses will then be corrected and counterbalanced by the combined influence of a common interest and a common danger. We may expect in time a vast mitigation of the evils of monopoly from intelligent and competent coöperation. It is true that the instincts of monopoly will be present in coöperation, and that the coöperative bodies will compete with one another, with the usual result—a diminution of profit to all. This, however, if not carried to excess, would only amount to a healthy rivalry, which without inflicting serious injury on the parties engaged in it would greatly benefit the general public.

Another natural check to concentration is the limitation of individual power, or capacity. Individual endowments are of great variety and large range; they ascend from the dark mind of the dunce, through every grade of mental, moral, and physical capacity, to the clear, cool-headed, competent business man. Practical business capacity of a high order is, however, confined to a comparatively small number of men. By far the larger number of those who engage in commercial pursuits fail not only in making a competency but in making more than a living. This fact assuredly indicates incapacity, or the limitation of the qualities necessary to success. Nor can we hope for much improvement in this respect; indeed, the only hope of bringing human intelligence and capacity up to their highest

development lies in *education*, using the word in its widest sense. If education be persisted in it will bring the mind up to its highest capacity of power and polish, but *it cannot transmute the baser metals into gold*. There is no reason to believe that any increase in the powers of the human mind has taken place since the time of Socrates; hence, what reason have we to expect any during the next two or three millenniums? It is true that, through the appropriation of the ideas and discoveries of a few great minds, mankind has risen within the last hundred years to a high plane of intelligence and capacity; but, while this is a practical and grand elevation of the race, it gives no promise of any general increase in human faculty. The higher we ascend in our observation of men's capacity the fewer individuals do we find in its strata. The great mass that lies at the bottom is more or less incompetent; at each upward step we find higher and higher abilities but fewer and fewer individuals, until we come at length to the very wise and very able—who are extremely rare in every age and country.

Many men that can successfully manage a business of moderate dimensions, when placed in charge of the same line of business on a larger scale, completely fail to hold it in hand and are ultimately compelled to abandon the attempt. In the ranks of commerce there are undoubtedly men quite competent to manage the increased business successfully, but they are comparatively few; and such men become fewer as the business becomes larger and more complicated. The natural inference from this is that business, if forced to a certain magnitude—which is the aim of monopoly—will get beyond the managing capacity of any man; in other words, the structure will fall to pieces from its own unwieldiness and weight. Nor can this be avoided by the multiplication of assistants or by the adoption of any "system," no matter how effective and comprehensive it may be. When the point of limitation is reached demolition and dismemberment will follow. It must be admitted, however, that the growing concentration of commerce has immense scope before such a limit can be attained; and, if nothing of an unforeseen nature occur to prevent it, the great bulk of com-

mercial business may soon be centered in the hands of a small number of men. Such a prospect, showing as it does the permanent elevation of a few possessed of immense wealth and power obtained at the expense and in many cases at the ruin of the many, is not a pleasing one. No well-wisher to humanity can contemplate such an issue with equanimity; but where is the remedy?

The remedies hitherto proposed by the most rational socialists for such a state of things are inchoate, unnatural, and impracticable. If all men were endowed by Nature with equal physical strength and energy, with equal mental and moral faculties, and above all with good judgment, socialism might become a possibility; but under existing conditions its suggestions have little practical application and are unworthy of serious consideration—except as signs of the times and as indications of certain peculiar phases of human nature. The department store and everything of which it is the type or ally have come to stay. The process of concentration is only in its infancy; and that it will go on until checked by its own magnitude, or by a regenerated coöperation, there can be but little doubt. Machinery of an ever-improving design, on an ever-expanding scale, will continue to supplant human labor until every unnecessary employee is weeded out of the factory and the store. Production in every line of goods will continue to increase. The merchant prince will purchase goods in larger and larger quantities, thereby securing the lowest possible price from manufacturers and producers and the lowest possible rate of freight from transportation companies. Goods will be sold at a low price for cash; and the owners of large mercantile establishments, though making but a small profit on individual transactions, will reap colossal gains from their aggregate sales. It is obvious that such a course of events involves the speedy ruin of the smaller men engaged in trade; for what chance has the man that buys by the hundredweight or ton, and often on credit, with the man that buys by the car-load or train-load and for cash? Then the folds of the boa-constrictor will twine around the larger traders until *they* are compelled

to succumb, which they will do in the order of their financial strength and business capacity—the weakest always going first.

In this remarkable revolution in commerce there will be many compensations to the public. While concentration is in progress, and before its final stages are reached, all the necessities, conveniences, and luxuries of life will be bought at lower prices than ever. What the result will be when the process reaches its maximum development it is not easy to say; but even then it will be impossible to exact exorbitant prices without creating a social and political revolution. Not the least advantage to the public will be the introduction of an almost universal habit of cash payment. Credit, which is not without its uses, but is nevertheless too often the parent of imprudence and extravagances, will almost disappear from commerce.

The important question now arises, What is to become of the hundreds of thousands of persons who sooner or later will be thrown out of the employments for which they were specially trained and for which alone the majority are adapted? Such persons will, at least temporarily, swell the ranks of the existing army of the unemployed. That they will suffer privations of many kinds is inevitable. The main answer to the question, and it applies to the unemployed as a whole, is that they must betake themselves to agriculture—man's original and most natural occupation. They must settle on the land—such areas individually as their means and abilities may enable them to cultivate. The cultivation of the soil does not, as a rule, result in making many fortunes; but with ordinary industry and moderate capital it almost always results in affording a comfortable living. And, so long as the land, implements, and cattle are kept clear of incumbrance, such a life is the most independent that any man can lead. In agriculture, monopoly—such as is possible in commerce—cannot exist; and, aside from unfavorable conditions of the weather, the only bugbear the cultivator of the soil has to fear is low prices for his products. But, if he keeps clear of debt, low prices cannot ruin him, and he can always live on the products raised by his own hands.

Compensation will come to him from time to time in the form of good crops and high prices, when his patience and industry will be rewarded. A certain proportion of those thrown out of employment will be absorbed by the various mechanical and other trades, but for the great majority there is no other choice than settlement on the land; and the sooner this is realized and preparations made for the change the better.

Every age has had its characteristic grievances, and mankind at every stage of its history has had to contend with monopoly in one form or another. No sooner has one wrong been redressed than another has arisen to take its place; indeed, the chief problem of the race during all the ages has been to emancipate itself from its own thralls. With every member of it born a greater or lesser tyrant and monopolist; with inequalities in mental, moral, and physical endowments; with an overwhelming preponderance of inferior ability in its mass—the task thus far has been neither easy nor satisfactory, and the solution of the problem is still far out of sight. The developments of the nineteenth century in every department of human industry have added to its complications and will evidently retard its solution. We can only hope that ultimately mankind will fall into such attitudes and relations with its own occupations and interests as will be at once the most natural, the most acceptable, and the most conducive to the welfare and happiness of the people as a whole.

DUNCAN MACARTHUR.

Chicago, Ill.

THE HOUSE AND THE ELECTION OF SENATORS.

THE House of Representatives, by a vote of 240 to 15, has passed a joint resolution providing for the election of Senators by the direct votes of the people. This practically unanimous vote carries with it no great importance, for the reason that the House has long been willing to propose such an amendment, and, the assent of the Senate being necessary, it is always understood that this cannot be had. Therefore, if this *brutum fulmen* of the House has any significance, it is to show the estimate of Representatives as to the wishes of their people on the question.

It must be conceded that there has been much in recent years connected with the election of Senators to cause the tendency of public opinion to criticize the present method, as producing a marked falling off in the dignity, usefulness, and power of the Senate—converting it, as some charge, into a “chapel of ease for millionaires; a baron’s castle for the spoilsman.” The simple remedy, though an *ad captandum* one, is at once suggested: “Bring responsibility nearer to the real source of power, and the unworthy, the incompetent, and the corrupt will be detected and defeated.” It is questionable whether experience has shown that direct responsibility has resulted in official probity, efficiency, and good faith to an extent to justify us in reverting to one of the plans rejected in the Constitutional Convention and embarking on a fresh voyage of experiment.

The method of choosing United States Senators is a part of the form of government created by the Constitution of 1789, and in force now for one hundred and ten years. The greatest difficulty—which seems very slight now, but was almost insuperable in the beginning of the Convention’s work—was to find a different basis of existence for the two houses. It is difficult to say what philosophic principle is enshrined in the two chambers; all we can answer is that it has been found that

more than one house is necessary and that more than two are too many.

The excellence, if not the necessity, of the bicameral system being conceded, the question was as to the modes of composing them. It was regarded as essential that this composition of the two houses should be based upon entirely different principles, unlike in their origin and derivation and inspired by the like jealousy of each other. If the two were elected for the same period and by the same electors, they would amount in practise to little more than two committees of the same house. What was wanted was two *bona fide* different houses, "representing the impulse as well as the continuity, the progress and the conservatism, the onward zeal and retentive element, which must ever form integral elements of all civilization." When the federal Constitution was formed, the interest of independence for the separate States and the interest of union for the whole people were the two conflicting interests, and a compromise was necessary. It was felt that in a federal government there must be some institution, some authority, some body, possessing a veto, in which the separate States comprising the federation are all equal. There was no different class, as in Great Britain, from which to elect a House of Lords, and the formation of a smaller house on the same basis as the other would have ended in the establishment of a system having none of the advantages of two houses; for both would be controlled by precisely the same ideas.

Several plans were originally suggested in the Constitutional Convention. While Mr. Gerry proposed that Senators should be appointed by the Executives of the several States, Mr. Wilson and Mr. George Mason of Virginia advocated their election by the people. Four modes were mentioned: First, by the first branch (House) of the national legislature; secondly, by the national Executive; thirdly, by the people; fourthly, by the individual State legislatures. It was conceded that an election of at least one branch of the proposed national legislature by the people immediately was a clear principle of free government. Mr. Madison considered "the popular elec-

tion of one branch of the national legislature as essential to every plan of free government." Mr. Gerry conceded that much, saying: "It is necessary that the people should appoint one branch of the government in order to inspire them with confidence"; but he wished the "other [the Senate] to be so modified as to secure a just preference of merit." Mr. Madison was for "refining popular appointments by successive filtrations," but he would have the "expedient resorted to only in the second branch [the Senate] of Congress, the Executive and judiciary branches of the government." Mr. Dickinson said he wished "the Senate to consist of the most distinguished characters," and he thought "such characters more likely to be selected by the State legislatures than by any other mode." Mr. Pinckney thought that "the second branch [the Senate] ought to be permanent and independent, and that the members of it would be rendered more so by receiving their appointments from the State legislatures."

It is manifest that there prevailed in the Convention that framed the Constitution much distrust of popular elections. There were other influences that induced the Convention to confide the election of Senators to the legislatures of the States. The State legislatures, during the war for independence and for some time afterward, were the favored and trusted depositories of a variety of delegated powers. During that period the legislatures elected the Governor and other chief officers, both civil and military, in the several States. The same legislative bodies selected and commissioned the members of the Continental Congress. Indeed, all the members of the Convention which framed the federal Constitution were chosen in the same way by the legislative assemblies of the different States. The final action of the Convention was due to the gradual and somewhat reluctant agreement of conflicting purposes. On Mr. Wilson's proposition to elect the Senators by the people, ten States voted "nay," and Pennsylvania alone voted "yea"; and on the proposition to elect by the legislatures, which was called the "Connecticut compromise," two States only voted "nay"—Virginia and Pennsylvania.

Thus the principle of the independence of the States prevailed in the formation of the Senate, and that of the sovereignty of the nation predominated in that of the House. The Senators, as they represent the States, are chosen by their respective legislatures, not by the people; they represent the States as the constituent members of the Union. The Senate was instituted as an earnest of the abiding equality and sovereignty of the States. The true character of the Senator is that he is the representative, but not the deputy, of his State as such. That is a political society of itself, yet a member of a union—in which capacity, of course, all members, *i. e.*, States, are equal; and for which reason an equal number of these State representatives is fixed for all, of which they cannot be deprived. The members of the House are the direct representatives of the people, apportioned according to population.

Senators are not, however, in any sense delegates of the governments of the States. They are not subject to instruction as to their votes by any State authority, not even by the legislature that elected them. Senators may be said to represent, not the governments of the States, but the people of the States organized as corporate bodies politic. What they may lose through not standing in immediate contact with the people, they gain in representing such ancient and powerful commonwealths as the States; and their election by the legislatures gives the State governments so essential an agency in the formation of the general government that their separate and independent existence is recognized and preserved, and they are in their sovereign character living and active members of the federal body.

All foreign critics have found in the method of choosing the members of our Senate a sufficient if not the sole cause of its excellence as a legislative and executive authority. It is their opinion that the mode of electing that body constitutes its functions one of the effectual checks—one of the real balances of our system.

A philosophic analysis of any successful system of self-government will disclose the fact that its only effec-

tual checks consist in a mixture of elements—in a combination of seemingly contradictory political principles. The Senate is valuable, by this rule, in our democracy in proportion as it is undemocratic; its mediate election giving it independence, and coming, though mediately, from the people, and equally responsible to them for its conduct, but resting on a more permanent basis and constituted with stronger inducements to moderation in debate and tenacity of purpose.

The characteristic qualities of the Senate, in the intendment of the Constitution, are wisdom and experience: that its members will entertain more enlarged views of public policy, and feel a higher and juster sense of national character and a greater regard for stability and permanence in administration. The mode of their election should largely remove Senators from that temptation to servile obedience to the whims of popular constituencies to which members of the House are constantly subject. The Senate may respond rather slowly to changes in popular sentiment. This is not objectionable. We are in more danger of suffering from hasty legislation than from tardy legislation. Popular opinion is often wrong at particular moments; but, with time to cool off and reflect, it is almost certain to correct its mistakes.

The Senate is less democratic than the House, and consequently less sensible to transient phases of public opinion; but it is not less sensible than the House of its ultimate accountability to the people, and is quite as obedient to the more permanent and imperative judgments of the public mind. It cannot be carried so quickly by every new sentiment or howl, but it can be carried quickly enough. Popular demands, ere they reach the Senate with definite and authoritative suggestion, are diluted by passage through the feelings and conclusions of State legislatures, which are its only immediate constituents. The Senate, of course, owes its existence primarily to the necessity of giving due recognition to the principle of State equality; and this principle is still in the strict sense of the word of vital import. But, however that may be, the fathers

of the Constitution were quick to see that tasks of the greatest consequence, in no way connected with State equality, could be assigned to the Senate. Time has not made these tasks less essential.

When somebody railed at the adoption of the bicameral system of the Convention some one is said to have interposed by asking, "What do you do when your tea is too hot?" "I pour it into the saucer to cool," was the reply. "Well," rejoined the sage, "the Senate is the saucer." If any modern constitutional State cannot do without such a saucer, it is our Republic. And it is our imperative duty to keep it fit to serve its purpose, which it fairly, if not perfectly, realized from the foundation of the government until a period within the memory of many now living. I do not believe that it has altogether departed from and is failing to serve its purpose. The Senate is unreasonably disparaged. Professor Woodrow Wilson says: "It is just what the conditions of public life in the country make it. Its members, as a rule, are chosen from the ranks of active politicians, and it is probable that it contains the best men that our system calls into politics." We are disposed to expect the Senate to be just what the Constitution intended it to be—full of stateliness of character and wisdom of practise, with aims exalted as is its place in the federal system; and because its election is not directly of the people, we expect that demagogy would find no life possible in its halls.

While the Senate is in fact nothing more than a part of the public service, there cannot be a separate breed of public men reared specially for that body. It is mainly recruited from the House of Representatives, or branches of the representative system, of which it is only the topmost part, and takes the best men from it. It may not be what we wish, but it contains the most perfect product of our politics. It may not be, what it was once justly designated, "incomparably the foremost legislative body of the modern world;" yet some of the most remarkable men of the country still perform their most remarkable achievements there, and the body of eloquence and

learning that goes to perpetuate its influence and traditions still includes the best the country produces.

While in point of dignity and authority it has in some respects disappointed the sanguine expectations of its founders, yet the Senate is still certainly the most impressive part of our constitutional system, unless we except the Supreme Court. Practically, in many States the election of Senators has become a popular election, the function of the legislature being little more than to register and formally complete a choice already made by the people. But let the form—the historic and traditional form—be preserved. To take from the legislatures the choice of Senators would at once alter fundamentally the relation of the States to the federal Union; it would deprive the States, as such, in their political capacity, of their legal representation in the Senate; and it would destroy the check a majority of the States have upon the legislative powers of a majority of the whole people. Complicated as this check is, it both recognizes and preserves the residuary sovereignty of the States.

BOYD WINCHESTER.

Louisville, Ky.

WILL THE CHINESE MIGRATE?

THE disintegration of the Chinese Empire, which seems inevitable, will no doubt more seriously affect the United States than any other country, because this is a more inviting field for labor. If the European Powers succeed in carving that empire to suit their greed, or through their interference bring about a change of government, a spirit of unrest will be created among those four hundred millions of people, and they will begin to migrate. Their objective point will be California, which will be the distributing center for the United States—as is it is now, mainly. Comprising about one-third of the human race, when once started they may swarm over here in such large numbers as to change the industrial condition of the Pacific Coast States, and even the whole United States. The "Exclusion" law does not exclude, but, like most others, exempts the self-styled "privileged classes."

The Chinese may swarm to these shores in such numbers that only an army can check the tide, when once set in motion. The Chinese are energetic and persevering, and no obstacle is too great for them when their life, and even their welfare, is at stake. We are destined soon to feel the effects of that "awakening" we were instrumental in bringing about. Their numbers are increasing in California and throughout the Pacific Coast country, notwithstanding the "Exclusion" law. And from California they are sent to the Eastern cities and farms as soon as they find employment through their agencies in San Francisco.

The "Exclusion" law exempts diplomats, scientists, tourists, teachers, students, and merchants. The term "merchant" is susceptible of a wide construction, limited largely by the ingenuity of the immigrant and his capacity for swearing. Under this favored clause from two to three hundred "merchants" and "tourists" arrive at San Francisco by each Oriental steamer, aggregating about ten thousand a year. This

number is increased by others who swear that they are natives of the State and are returning from a visit to the old folks at home. Witnesses are at hand when the statement is doubted, and it is "proved," though they may have never before seen California. The photograph of the immigrant is attached to the certificate, but it does not enlighten the immigration officers to any great extent. Generally, the office-holder's ethnological knowledge is very limited, and his means of identification is principally through whiskers. These the Chinese, as a rule, do not wear—very seldom before the age of thirty years. Even then they do not go beyond the delicate mustache, or goatee. The main reason is that they cannot. This limitation of Nature aids them in evading our laws and overrunning our country.

In addition to the foregoing, the Chinese are "smuggling" themselves into this country through British Columbia and Mexico; also, by sailing-vessels from other countries. From 400 to 500 a month are thus "smuggled" into this country. A few are arrested and deported, but these most successful of all immigrants manage to evade the "lynx-eyed" officials, either by their own shrewdness or the intervention of one of the Chinese immigration companies. The greater number of those returned at government expense, however, wish to go. They are not recent immigrants, but have labored here long enough to accumulate a good working capital and desire to return to China, where a wife can be cheaply bought and their earnings last much longer than here. Accordingly, the shrewd Chinese permits the official to catch him in the act of crossing the boundary line—and he is sent home at the expense of the government. It is charged that some of the officers are in collusion with the Chinese in this "open smuggling;" but, whether true or not, the fact remains that a great deal of this swindling is being done on the borders.

Under these restrictions, which make it a crime for a laborer to enter the country, the Chinese may not come in sufficiently large numbers to prove an important factor for two or three decades. But a dissolution of the Chinese Empire will no

doubt set in motion such a mass of these plodding, industrious, tenacious laborers that in a comparatively short time the industrial condition of the Pacific Coast will be revolutionized. Under no other condition than necessity will the Chinese leave their native land. The officials have always opposed emigration, and have strongly resisted the settlement of foreigners in China. Their "friendly" relations with this country were brought about by force, it must be recollected; and then, when we saw that this country was a good field for their laborers, we hastily erected the "Chinese wall" of exclusion that we had "battered down."

Isolated behind their walls of exclusion, in perhaps the grandest country in the world, the Chinese were satisfied with their religion, their civilization, and their literature. They avoided contact or communication with the "outside" world. Having the oldest civilization known in history, they looked with indifference upon all others and were prejudiced against other people. Their civilization was superior to that of the adjacent countries, yet they did not attempt to force it upon them or to "colonize" their weaker neighbors. They were opposed to "expansion" in every sense. With a powerful government, a history of greater antiquity, a more extensive literature, and a system of philosophy older than Christianity, while embracing some of the principles of that religious system, it is natural that they should consider themselves superior to all other peoples and violently oppose any attempt to "civilize" or Christianize them. For centuries this patriarchal government has stood, while others rose and fell. By their conservatism and industry the Chinese maintained the most numerous populated government, under one head, that has ever existed. Their customs and beliefs are virtually the same to-day as they were two thousand years ago. What was good enough for one generation is good for all time, they reason.

Such a people, if they emigrate in any considerable numbers, will ultimately have a marked industrial and political influence upon any country in which they settle. This is evidenced

by the revolution in the labor market of California, and of the Pacific Coast generally, in consequence of Chinese immigration. In brightness of intellect, power of imitation, and industry the Chinese equal any other nationality and are superior to many. They are quick to learn English and do not drink intoxicants nor go out on strikes; hence, they are preferred to laborers of any other country. They are always at work at something, and have a remarkable adaptability for changing from one occupation to another—which is only done, however, when there is no work to be had in their regular vocation. They are ever striving to improve—to advance from unskilled to skilled labor, and eventually to the post of employer and owner.

The introduction of Chinese labor in California was made necessary by the scarcity of white labor and the high wages arbitrarily demanded. The projectors of the trans-continental railroad required several thousand laborers and could get only about ten per cent. of the number. It was cheaper to import them from China than to drum them up in Eastern cities. All the white labor that could be got was employed, however, and paid full wages, while the Chinese were paid only about half as much. Immigration companies were formed and Chinese laborers were imported by the ship-load for the large wheat-fields and fruit farms, railroad building, and the more unhealthful work of ditching swamp lands. As white men would not work in the tule swamps, an extensive area was thus added to agriculture. It is estimated by those who have studied the "Chinese problem" that Chinese labor has increased by at least one-third the total wealth of the State. The cry of the agitators that the Chinese "send the money they earn out of the country" is no argument. The *labor* remains, and the resources developed by that labor continue to increase in value.

This is the class of people who have gained a firm foothold in the United States, and who in time may overrun this country as did the Northern barbarians the face of Europe; but with this difference: the Chinese will bring a civilization far

superior to that of any of those migratory tribes, and one that is not influenced by impressions from without, but is as unchangeable as truth. The United States, and especially California, is to them the most inviting field in the world, and if they begin to migrate a very serious problem will confront the American people. This depends upon present European complications, or rather the grabbing of the remainder of the Chinese Empire. The nearness of the Pacific Coast and the cheaper transportation rates make the Coast their objective point. In addition there are gold and silver mines, a mild climate, and comparatively high wages. Cheap labor is, and always has been, in demand on the Coast in order more fully to develop the material resources of the country and enable its industries to compete with those of the Eastern States. Capitalists have always encouraged Chinese immigration, and will so continue. With them it is a matter of business, not sentiment; and so long as Chinese laborers find employment they will continue to come, regardless of the "Exclusion" law, which is easily evaded and rarely enforced. Under these ordinary conditions they will undoubtedly become a troublesome factor within the next generation. But the future can take care of itself—perhaps.

The Chinese were first attracted to California by the discovery of gold. Naturally conservative and slow to move, only small numbers came each year until it was learned that the "Gold Mountain," as they called California, was indeed a rich field. Encouraging reports were sent back and the emigrating began in earnest. Agencies were established in San Francisco, and within a quarter of a century two hundred and fifty thousand Chinese laborers were imported, and the nucleus of the Chinese quarter in San Francisco had increased to fifty thousand people—about one-sixth of the total population. Then began the "crusade" that resulted in the present "Exclusion" law. Although the Pacific Coast country was sparsely settled and labor was in demand, especially cheap labor, the people saw, or thought they saw, the coming danger. Nearly as many Chinese enter the United States through this open

door, and the closed one (by smuggling), as came when the Golden Gate was wide open. The Chinese population of San Francisco has not perceptibly diminished; neither has that of the Pacific Coast States and Territories. Since the beginning of the crusade a steady stream has been pouring into the Eastern and middle Western States. The popular belief is that the Chinese population of the far West has been correspondingly decreased; but other Chinese have taken their places. The opportunities in the United States are much greater than in their own overcrowded country, and they will only return home when they have accumulated enough—leaving their places to others of their countrymen.

The first Chinese immigrants worked in the mines, generally in the districts abandoned by white miners as unprofitable. They were persecuted as no other race in this country has been, not excepting the Indians. Lawless men robbed them of their small gains, drove them from their mines, and shot them down without provocation, merely because they were of an "inferior" race; and their oath in court was valueless as against a white man. Each Chinese laborer was required to pay a "foreign miner's" tax of \$4 a month, and \$50 upon arrival. This was exacted of no other foreigners. The proscriptive law, which was of course unconstitutional, specially applied to those foreigners who were ineligible to naturalization. As the Chinese are ineligible under the treaty, there was no necessity for this circumlocution. They proved to be industrious, law-abiding, and sober laborers, and capital opened the way for them.

Gradually their labors were extended from the mines, railroads, and tule lands to the lighter work on the farms and in house-service. As servants they are far superior to those of any other nationality, and they were much in demand, especially as it was more expensive to bring servants from Eastern cities. The immigrants were consigned to some one of the "Six Companies," according to the districts whence they came. They were sent, under the charge of a "boss," to points where labor was needed. If there was not enough work for all,

the Company provided for the immigrant until employment was found for him, the expenses for his support to be paid from his first wages. The employer contracted with the "boss" for a stated number of men, at a given price, and paid the money to him. The "boss" pays each laborer, deducting the amount he may owe to the Company. There is not an instance known of a "boss" running away with the money of the gang. The same simplified system of employing and paying for labor prevails now. But in the matter of house-servants, and where a small number is employed, the employer deals with each individually. Since each one is free to contract, and to annul the agreement when he wishes, the inference is that they are not "coolies," nor contract laborers as the law implies. The employer contracts with a "boss" as a matter of convenience, for it is doubtful if he could understandingly carry several hundred Chinese names on his payroll; and as personal identification is difficult to the Caucasian, he may pay the wages of Ah Sin to Wun Lung. The president of each of the "Six Companies" denies that these organizations are immigration companies, stating that they are solely benevolent associations and that their only office is to provide for their countrymen, after arrival, until they have found employment. While this "benevolent" statement is true, they no doubt regulate the supply of immigrants according to the demand for labor. Of course this "benevolence" is paid for by each immigrant, just as the white laborer pays a fee to his labor bureau.

From the foregoing it would seem that the Chinese have a firm footing in the United States and are better organized than any other class of immigrants. That they will remain there can be no doubt, judging from their history; and that they will largely increase in numbers is a natural conclusion. How soon this gradual immigration will affect the destiny of this country is a matter of figures, multiplied by the demand of capital for cheap labor. Whether or not this country shall be overrun by a peaceful army of invasion depends upon the inevitable disintegration of the Chinese Empire. A country of

400,000,000 inhabitants is assuredly a menace to the United States when once its people begin to migrate.

What effect they may have on our civilization can be inferred from their brief history on the Pacific Coast. It must be recollected that it is not the custom of the Chinese to bring their families to "new countries," and their system of morals permits them to have a "second wife," after the manner of the patriarchs. The children are legitimate under Chinese law, but the wives are divorced at pleasure, and generally descend in the social scale. Hence, the Chinese do not assimilate with any other nationality. Polygamy is one of their principles of philosophy, and, with the polygamists of Utah to the East, the social conditions of the Pacific Coast must soon undergo a radical change. There are about five thousand "second wives" on the Pacific Coast, and about two thousand in San Francisco who are neither maids, wives, nor widows. They have a government, irrespective of our laws, to which every Chinaman is subject. The same laws prevail as in China, and the same code of punishments. Headquarters are in San Francisco, with local officials in the various Chinese colonies. Their civil affairs are settled by arbitration, the boards being selected from the merchants and leading members of each colony, or "Chinese quarter." An appeal to the American courts is a very rare proceeding. Wherever they go they take their customs and laws, believing them superior to those of any other country.

While the Chinese have exercised an indelible influence over the social and economic conditions of the Pacific Coast, they have themselves remained uninfluenced. The efforts of our Christian missionaries and school-teachers have failed to change their belief from the philosophy of Confucius and the worship of their ancestors. The unjust city ordinance that required them to cut off their queues had no effect other than to imprison them, though the queue was once the fashion in this country. When the Tartar dynasty forced this badge of captivity upon them, many chose the alternative of losing their heads rather than wear the queue. So strongly is the custom

implanted that no doubt they would now prefer to lose their heads rather than the queue. The tenacity with which a Chinaman clings to his queue indicates his unchanging loyalty to the Chinese Empire; and when he has parted with it he is a man without a country—he has renounced his allegiance.

They cannot, it is evident, be "civilized" according to *our* use of that word. On the contrary, they hold their civilization to be superior to that of any other country, but they believe it is their mission to conform all others to their own; therefore, it does not seem possible to break down this "Chinese wall of superstition." Our chief care is to resist its encroachment, especially the worship of idols. But it is not their philosophy and customs that menace our nationality: it is their overwhelming numbers, which once set in motion are powerful enough to change the social condition of the world.

No census has ever been taken of the Chinese population on the Pacific Coast. These people do not understand its necessity, and thwart every effort in that direction. Furthermore, their names render the work almost impossible for a white man. The official figures do not show the total arrivals, for many are "smuggled" in, as has been shown. It is certain, however, that, notwithstanding the "Exclusion" law, their numbers are increasing in California and throughout the entire Pacific Coast. There are about two thousand native-born Chinese in San Francisco. Under the Constitution of the United States they are entitled to the elective franchise and are eligible to office. Many of them vote, but it is difficult to discover their politics. Within the next decade this native-born voting population will have become an important factor in San Francisco politics. This will be one of the "Chinese problems" that this city and State must solve in the near future.

The only way to check this flow is to repeal the favored clause—excluding all except diplomats. This would greatly reduce the opportunities for "smuggling." It is not probable, however, that this will be done. Capital demands cheap labor, and the Chinese will continue to come, irrespective of law and

the probable effects of their increasing numbers. But the coming dissolution of the Chinese Empire may cause a migration which we perhaps cannot check, and which in time may change the social and political nature of this Republic.

J. M. SCANLAND.

Cripple Creek, Col.

NEW ENGLAND'S FIRST PRESIDENT.

IN his "Popular Government," Sir Henry Maine insinuates that our democracy counted on being sure to select the best men for the offices, but has signally failed. On the contrary, we can safely aver that no monarchical government of the nineteenth century has been able to show a list of rulers comparable with our American Presidents. Of the three departments of government, the executive has proved safest and invariably truest to the popular sentiment. New England has had many candidates for the Presidency, but only three of her citizens have reached the coveted office: John Adams, his son John Quincy Adams, and Franklin Pierce. Of Vice-Presidents she has had four: John Adams, Elbridge Gerry, Hannibal Hamlin, and Henry Wilson. Of the disappointed candidates the most notable were Daniel Webster, James G. Blaine, and Geo. F. Edmunds. The first two failed for reasons easily translatable. Incomparably popular, the people failed to see that there was good cause for trusting them with the supreme executive office; and in both cases the popular judgment was probably correct.

There has been good reason, however, for Mr. Maine's criticism, taking it from an English standpoint. It has been impossible for a foreigner to form any judgment of our public men not tinged with the campaign sentiment in which we have ourselves indulged. I am glad to know that my own weariness is not singular, in opening book after book written by the sons or grandsons of Federalists, or by others echoing old Federalistic sentiments, and reading of New England's first President, John Adams, that he was "vain," "conceited," "egotistic," "coxcombical," "censorious," or "insane with stubborn conceit." Even this is feeble language when compared with that used by Hamilton in his diatribe upon his rival. When we come to inquire why all these charges are brought against John Adams, Hamilton's opinion is finally quoted.

Well, Hamilton hated Adams, and was himself perhaps the most self-inflated man that ever rose to eminence in the United States. Here is a letter quoted by a recent biographer to show that Adams was censorious. Speaking of the first Congress, Adams wrote:

"The deliberations of Congress are strung out to immeasurable length. There is so much wit, sense, learning, acuteness, subtlety, eloquence, among fifty gentlemen that an immensity of time is spent unnecessarily. This assembly is like no other that ever existed. Every man in it is a great man—an orator, a critic, a statesman; and therefore every man, upon every question, must show his oratory, his criticism, and his political abilities. The consequence of this is that business is drawn and spun out to an immeasurable length. I believe that if it were moved and seconded that we should come to a resolution that three and two make five we should be entertained with logic and rhetoric, law, history, politics, and mathematics; and then we should pass the resolution unanimously in the affirmative."

Precisely why a private letter of this sort, bubbling over with pleasant good nature, should be set down as "censorious," passes the power of an unprejudiced person to conceive. Almost without exception, these critical writers allow for every act of Mr. Adams's public policy, honesty, good sense, sound judgment, and patriotism; then systematically they qualify it all with the appendix that he was arrogant, foolish, and blind. In the wild fury of popular enthusiasm, after Talleyrand's insult to our ambassadors, we are told that Adams uttered a characteristic "bit of foolish and superfluous rhodomontade" when he said: "I will never send another Minister to France without assurances that he will be received, respected, and honored as the representative of a great, free, independent, and powerful nation." Well, Mr. Adams never did send an ambassador until he had such assurance. But the trouble was that he sent ambassadors at all, while many of his party desired a breach of peace with France.

John Adams came to the front as early as the first conflict with the mother country. He was destined by his parents

for the ministry, but, coming into sympathy with the spirit of the age, which was very interrogative, he soon found himself blurting out heresy where he tried to be heroically orthodox. He thereupon took a short turn and landed in the law. It must be allowed, however, that he never got over a little of his early training—a fondness for discussing religion and theology, which easily dropped into a bit of a sermon. Coleridge asked Lamb if he had ever heard him preach. "I never," stuttered Lamb, "heard you do anything else." Mr. Adams saw the moral side of politics always first, and it was largely due to him and to Jefferson that the Republic in its early days was based on ethical principles. The historian has it constantly before him that the Federal Union was formed for the distinct purpose of beneficence as well as independence. In New England this arose out of the religious spirit; in Virginia it was due to philosophy. Adams was a Puritan, but a very well-read one; while Jefferson was a disciple of Rousseau and the Humanitarians.

Adams's life spanned the first Congress, the war for independence, the building of the nation, the struggle to create an aristocratic government in the place of the democratic, the Federal revolt of 1803, the second war with England in 1812 (which established our place among the nations), and the promulgation of the league with Britain in 1823. A stirring era indeed, the whole of it. Mr. Fiske speaks of the critical period of American history as covering from 1783 to 1789; but the whole of our early history down to 1823 was uncertain, if not unstable. And Adams's life almost exactly spanned this period. Jefferson, writing of Canning's proposition to establish an alliance of the liberal governments against the despotic, said: "The question presented by the letters you have sent me is the most momentous which has been offered to my contemplation since that of Independence. That made us a nation; this sets our compass and points the course we are to steer through the ocean of time opening on us." It is certain that none of the early leaders who had most to do with shaping our policy felt confident of the future until this happy

event of 1823, which Jefferson denominated "the American system."

After the conflict of citizens and troops on the fifth of March, 1770, Adams did not hesitate to defend the soldiers for the part they had taken in resisting the citizens. It is reported that the position firmly taken by him changed the policy of opposition, which was rapidly running into that of riot and mob law.

Four years later came the first Continental Congress. Adams never dreamed in his early days of popular rule. He had believed in freedom, but it was that freedom which comports with the right of the select to govern the masses—and of the masses to select the best to rule them. His Congress was an ideal one—to be made up of the best of men. He wrote: "This will be an assembly of the wisest men upon the continent, who are Americans in principle; that is, against taxation of Americans by authority of Parliament." He felt timorous about entering such a body. In his meditations Adams was always dramatic; in his actions he was always executive. Therefore, in his talk he was inclined to speak much of himself. This has been branded as egotism, and his critics cannot easily get over the difficulty. But at this period of his life we are told that "there is a profound consciousness in Mr. Adams, in the presence of great events; and that there is perceptible scarcely any trace of that unfortunate vanity and egotism which so marred his aspect when time had taught him that he was really a great man." Perhaps we shall find, however, just as much difficulty in discovering this strange egotism, this haunting censoriousness, at a later date.

Those who constituted the first American Congress had a tremendous task. They were from all parts of the country, with marked dissimilarity of colonial taste, and not a little jealous of one another. Adams says of Philadelphia: "The morals of our New England people are much better. Their manners are more polite and agreeable. Our language is better; our taste is better; our persons are handsomer; our spirit is greater; our laws are wiser; our religion is superior; our education is

better." And this, in terms, was the opinion that each colony had of the others. The Bostonians got some broad hints to carry themselves more modestly; and they took the hint with good nature and acted upon it. But, very curiously, the men of Massachusetts especially liked the Virginians, and the Virginians in turn respected those of Massachusetts. The different delegates compared notes, as best they could; passed non-exportation and non-importation acts; and when they adjourned were much nearer unanimity than when they met. The fact was, the times were crowding: they must either agree or submit to England. Everybody was choosing sides. Hate was rapidly taking the place of discordance of opinion. Scission from the mother country was common sense. A committee was appointed to consider a declaration of independence. The battle was a long one, and at first the majority were largely adverse. Men like Jay were opposed to the last. But what else could be done? The people demanded it; England was crowding and goading the colonies to extremities. It was impossible that the storm should settle down into a calm without decisive measures. Adams had for some time urged measures of an aggressive sort, and was not wholly satisfied that the Declaration of Independence had not been made seven months previous; but he contented himself with the consideration that many people had, during the lapse of months, given up their hopes of being pacified with England, and were more ready for the Declaration:

"Time has been given to the whole people maturely to consider the great question, to ripen their judgment, to dissipate their fears: by debating in assemblies, by discussing in newspapers, by committees, and at county meetings, as well as in private conversation; so that the whole people have now adopted the Declaration as their own act. But the day is past; the second day of July, 1776, will be the most memorable epoch in the history of America. I believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns,

bells, bonfires, and illuminations from one end of this continent to the other, from this time forward for evermore. You will think me transported with enthusiasm. I am well aware of the blood and treasure that it will cost us to maintain this declaration and support and defend these States. Yet through all the gloom I can see the rays of ravishing light and glory. I can see that the end is more than worth all the means, and that posterity will triumph in that day's transactions, even although we should rue it—which I trust in God we shall not."

From this we discover that Adams was far from being either slow in patriotism or insane with radicalism. He had carefully measured the event. He took in to the full the probable consequences. And we cannot but say that his language is that of a Christian statesman. So far Congress had created an association of the colonies, but not a confederacy. This, Adams implies, would soon be the order of events. The day to which he refers is not the fourth of July, but the second, on which was passed the preliminary resolution, before the form of the Declaration had been settled. The committee, at the head of which had been placed the young and brilliant Jefferson, included the aged Franklin as well as John Adams.* The composition of the paper devolved largely upon Mr. Jefferson; but it was afterward reviewed by Adams and by Franklin separately, and many erasures were made by each. After it was reported, the fight for its passage fell almost entirely upon Adams. Jefferson, marvelously skilful with his pen, was not fond of debate. On the fourth of July the Declaration was finally approved, and signed by all the members present with one exception.

Adams, from the beginning of the discussion looking toward a separation of the colonies from the mother country, was urgent in advocating an alliance with France. After the passage of the Declaration and the common forces of France and the United States had brought England to her senses, John Adams appeared in a third rôle as diplomat. He was sent by the new government to act with Franklin in securing a treaty of peace. Notwithstanding the blunt straightforward-

ness of the Adams stock, it has always furnished excellent statesmen. "The art of ruling," wrote Jefferson to George III., "is the art of being honest." Diplomatic skill is always most permanently successful when entirely free of Machiavellianism. The history of the Treaty of Paris is a good example, as at a later period was that of Ghent, of straightforward honesty. In the former case John Adams was chief actor; in the latter John Quincy Adams was eminent. When John Adams reached Paris, Jay and Franklin had been at work for several months, trying to get the tangle unsnarled that mixed up Spanish and French interests with those to be settled between America and England. Adams, like all New Englanders, was suspicious of Frenchmen—notwithstanding the aid they had rendered us in the Revolution. This was partly because all New Englanders had pure English blood, with English instincts. They doubted the motives of France in helping to dismember Great Britain. Adams began by paying scant court to the French minister; and when at last he did call on Vergennes, he let out some strong democratic sentiment that was at least unusual and unexpected.

The demands for compensation to Loyalists for damage that accrued during the war make curious reading in these days. Those who were refugees in New York, with the British, formed a sort of congress, to which they elected delegates by colonies. This congress, among other resolutions and documents, issued a proclamation suggesting to England what should be done with the rebels and their property, closing with this passage: "Would it not be proper, as well as just, to have the estates of the rebels who have gone out of the king's lines forfeited, confiscated, and sold by commissioners to be appointed for that purpose, and moneys arising on the sale to be applied to the use of the refugees, to compensate for their suffering by the rebels, in case of parliamentary donation?" England, it was suggested, should make herself good by seizing the islands belonging to Spain and France and holding them in reprisal.

The administration of Adams as President was turbulent

and critical, only because the Tories had been enfranchised with political power and largely restored to their old estates. The first political problem before the new nation was, What shall be done with the Tories? Robert Livingston in 1784 wrote: "Our parties are: first the Tories, who still hope for power; second, the violent Whigs, who are for expelling the Tories from the State; and third, the Moderates, who wish to supplant violence and soften the rigor of the laws against Loyalists." Hamilton took up the cause of the Tories, and soon succeeded in having them restored to political equality. They constituted a large element of the Federal party, which elected Adams to the Presidency; but they were not his friends. They were the tools of Hamilton. They never gave over their attachment to England and their opposition to republican institutions. In the furious onslaught made by Hamilton on Adams, and the effort to make the party as well as the government semi-monarchical, these Tories were the soul of the movement. The end was that the United States entered on a dangerous struggle between "the people" and "the best."

Elected to the Presidency in 1796, Adams's administration has never had full justice. He had the severest task of any man that ever held the office, not excepting Mr. Lincoln. Public policy was undefined. The cement of Union had not hardened. Each section threatened to break off at the slightest provocation. The Southwest was restless. New England was jealous of the South. Virginia statesmen had democratic ideas that New England statesmen generally did not share. Otis, Ames, Strong, Pickering, and Judge Parsons were among the leaders who had no faith in popular government. It was a common phrase among them that "democracy is a disease." Cabot did not hesitate to say that there was no cure for the ills that troubled New England but to get rid of popular government. Hamilton not only had no faith in the people: he had none in the principles of the Constitution. "The people," said he, "is a great beast." Of the Constitution he said, "No man has less faith in it than myself, although I do not tell of it from Dan to Beersheba."

Adams had by instinct strong sympathy with the Federals, but his experience was leading him directly the other way. He was during his Administration a conservative republican. It was his lot to be in nominal alliance with Hamilton. Hamilton's ambition was unbounded. He issued an address to Congress demanding an army of fifty thousand, and that he himself be senior major-general, next after Washington, who was already superannuated. He engaged in negotiations with Great Britain to lead his army, while England furnished a navy, to attack the Spanish possessions, including Florida, Mexico, and Cuba, and not excepting the South American Spanish colonies. His plans, of course, involved not only alliance with Great Britain but war with Great Britain's enemies. First of all he would plunge us into an attack upon France, our old friend during the Revolution. The Jay treaty with England had already angered France and led to a disruption of diplomatic correspondence. Our Minister was sent home, much to the disgust of the American people. Adams had a task before him that demanded the very highest courage, honesty, and self-sacrifice. He never hesitated. Comprehending the plot of the Hamilton clique, he cast away private ambition; he refused to indorse the scheme for filibustering; he insisted that faith should be kept with France; and as soon as conditions would permit, in spite of furious opposition, he sent negotiations to reestablish conditions of friendship. He ordered Hamilton to go to his regiment and attend to his official duties. A new treaty with France was agreed upon and cordially reestablished. Adams was brutally assailed, in a lampoon pamphlet, by Hamilton, and had in addition to bear the odium of the Alien and Sedition acts recommended by Hamilton but not approved by Adams himself.

When we consider the enormous pressure brought to bear upon Adams to perpetuate Federal party rule, it is astonishing that, standing almost entirely alone, he was able to stand firm. In fact the patriotic student of history thanks God as heartily for the stubbornness of the Adams stock as for the sublime dignity of Washington. John Adams was the very man needed

for the time. Washington yielded to Hamilton, and to his influence we owe the only episode in Washington's career that we can wish erased. It is doubtful if Jefferson, had he been elected in 1796, would have been as capable of stemming the onslaught of this adroit mind. The proposal of Hamilton included an army twice as large as that which our Republic considered necessary a century later. A war with France would have exhausted the young nation. The Alien and Sedition acts not only brought about the disruption of the Federal party but came near breaking up the Republic. When war with France seemed inevitable, Adams alone resolved to send commissioners to reestablish amity. It was not plain sailing in any direction for the young nation. We were in danger of two wars at once. Only the most thorough statesmanship could have guided us through the dangers.

I cannot read without indignation the charge that Adams was "hot-headed" in the final break-up of the Federal party. It seems to me he was supremely the one cool-headed man at that hour. With intense prejudice against all that was French, nevertheless he alone refused to obey his instincts and act unjustly. He was cool enough to resist both his party and himself. He was obstinate for the right; yet what better could we ask of him? The historian will surely reverse the applause given to the bellicose and self-seeking Hamilton, and equally the censure showered upon Adams, who in 1815 wrote: "I will defend my mission to France as long as I have an eye to direct my hand or a finger to hold my pen. They were the most disinterested and meritorious actions of my life. I reflect upon them with ever-increasing satisfaction, so that I desire no other inscription upon my gravestone than 'Here lies John Adams, who took upon himself the responsibility of the peace with France in the year 1800.'" Let us write that inscription to-day, deep graven in American history, enameled with the gold of the nation's gratitude! It is time for us to exalt John Adams. Why confuse with disproved exceptions our praise of the brave, honest, unselfish man who threw away the chance of a reelection and willingly gave up his rightful place as the

chief in a nation that he had himself been largely instrumental in creating?

The men whom Adams had accepted as his Cabinet openly revolted, and he concluded to discharge those least to be trusted. He criticized McHenry; he told him the truth in blunt Adams style; and the next morning McHenry resigned. Pickering was allowed quietly to resign. But Hamilton still had one friend in the Cabinet, who reported to him all the secrets that he could use with which to make mischief. Adams was virulently assailed as having abused his Cabinet. The facts are that all through his Administration Adams was generously confiding. He never forsook Wolcott, who was never true to him in return. Even Aaron Burr, whom he detested, he did not fail to measure justly—as a man of remarkable talent and natural power, which he thought could be used for good if Burr “could be kept on the right track.” He went to Washington to urge that Burr be made a brigadier-general; but Washington replied that all that he had seen and heard of Burr was favorable to his bravery, though it seemed to him doubtful if the man was not equally talented in intrigue. We may sum up the character of Adams as eminently generous, tolerant, and unsuspecting; but when once he had discovered good reason for doubting the loyalty and honesty of a man he hated him. He could read character, but seldom did so. When he discovered treachery, he was inclined to give way to a disagreeable habit of personal repining. His health in early life had led him to a habit of complaining, which developed a form of pessimistic logic. In his old age he discussed the value of life with a tone and argument that would suit Mr. Mallock. But to charge Mr. Adams with a lack of generosity, and with a suspicious character, especially in his dealing with his Cabinet, is bitterly unjust.

Hamilton began a tour to make sure of cheating Adams of a second nomination. But he returned, reporting that, while the Federal leaders were all sound in their opposition, the common people were all with Adams. Then came that supreme effort of vindictiveness, Hamilton's pamphlet. He got his

material from McHenry and Pickering, and from Wolcott, who still held his place as Secretary of the Treasury but told all its secrets up to date. The story of Adams refusing to take part in his successor's inauguration ceremonies has been told over and over to his disadvantage. It has, however, never been told as a plain, unvarnished tale. Adams was still a Federalist—he had not yet gone over to Jefferson's views of popular government; but he did not stand for the Federal party as it was represented in Congress. The leaders detested him, and they were unstinted in their abuse. He was pronounced by them to be insane. If he had remained in Washington to attend the inauguration he would have been made a sorry figure. He felt that he was disgraced, and was indignant at the treatment he had received; but he had never expressed, under all this burden, half the indignant wrath that Washington had been accustomed to pour out in the case of much milder criticism, and possibly more deserved. It was the fate of a man who stood nominally at the head of a party that did not believe in government by the people. A mighty struggle was going on to establish the United States on aristocratic principles. On the one hand Jefferson was organizing the people; on the other, Hamilton was organizing the social and political "best." Adams, fortunately for us but unfortunately for himself, was not with either. He certainly did not stand with Hamilton; and he was as yet but slowly moving toward Jefferson.

Retired from public life, the great commoner soon had congenial work on hand. He began a reply to Hamilton, but concluded to drop it. When the traitor Pickering, however, assailed Jefferson, Adams wrote a superb reply defending Jefferson. It is difficult to tell from Pickering's pamphlet whether he most detested Adams or Jefferson. He bitterly complains that "Adams seems above all things in his old age anxious to conciliate the good will of Mr. Jefferson." In 1803, Pickering, Wolcott, Governor Strong, and others began the effort to cleave New England from the Union and create a Northern Confederacy. Such letters as the following constitute a chap-

ter of eternal shame. Governor Griswold wrote: "The project we had formed was to induce, if possible, the legislatures of the three New England States that remained Federal (Massachusetts, Connecticut, and New Hampshire) to commence measures which should call for a reunion of the Northern States. The magnitude and jealousy of Massachusetts would render it necessary that the operation should be commenced there. If any hope can be created that New York will ultimately support our plan it may perhaps be successful." Pickering wrote: "If Federalism is crumbling away in New England there is no time to be lost. Separation must begin with Massachusetts. The proposition would be welcome in Connecticut; and could we doubt of New Hampshire? But New York must be associated, and how is her concurrence to be obtained? She must be made the center of the Confederacy. Vermont and New Jersey would follow, of course, and Rhode Island of necessity. Who will take the lead?" Students of history need not be told how near this conspiracy came to a successful issue. Adams watched the leaders with lynx-eyed vigilance, and thwarted them at every turn. They did, however, form a league with Aaron Burr to elect him governor of New York, on condition that having brought that State into the conspiracy he should become its acknowledged head. Burr failed of securing his election as governor, because Hamilton would not consent to exalt his rival to such supremacy. Then followed the duel; and Hamilton was shot, while Burr became an outcast. So ended the epoch to create a rule of aristocracy in America. Adams did not like either Burr or Hamilton. He found them not to be totally unlike in character, and placed them in the same category as dangerous schemers.

The advanced years of Adams grew beautiful with amenities of old age, but more particularly in the charms of a remarkable friendship for Jefferson. He read omnivorously and corresponded voluminously. From his letters we find that he was after 1805 a full convert to the doctrine of popular sovereignty. He found the common people far safer depositories of power than their leaders had been. But Adams was not made

for retirement. He had been active in public affairs from the first defiance of Great Britain. He had lived through the corner-stone era. He was as much entitled to be called Founder of the Republic as Washington was entitled to be called the Father. He did not choose to lie idle and wait for decrepitude. At times he fell into a mood of unrest and dissatisfaction. Who could have foreseen that the Republic would have become ungrateful to John Adams? He did not grow conservative, however, with old age, but broader minded to the last. When eighty-five, in the Constitutional Convention of Massachusetts, he strenuously insisted on an article to do away with State recognition of distinct modes of religious faith.

The supreme disaster of Adams was not his collision with Hamilton or his disagreement with Pickering and other leaders concerning commissioners to Paris, but it was that contrary to his own best judgment he signed the Alien and Sedition bills. These were a part of the scheme of the arch-plotter Hamilton, and Adams was but half aroused to comprehend the drift of this political bigotry. He knew it was aimed at Gallatin and indirectly was intended to damage Jefferson. He comprehended the injustice of the acts and their unwisdom. He fought openly and bravely against the Hamilton program; but after the Alien act had been modified and the Sedition act was rid of its most violent clause he signed the bill. In after years he never failed to express his detestation of the whole business. The immediate effect was to stir the people of nearly every section of the country into revolt, not against the party but the Administration. The cunning hand of Hamilton was concealed; the weight of public indignation fell on Mr. Adams. His was not the temper to explain or retreat. While the Federal party crumbled, Adams was assailed on both sides. The republicans charged him with political tyranny and a willingness to establish autocracy. The Federals charged him with egotism and laid the blame of their disruption, not on the Alien and Sedition bills but on the Adams revolt from party discipline. He fell between the two. It was a sad fate. The ablest statesman of the Revolution became

the scapegoat of as impudent a set of political rogues as our country has ever developed. In 1796, elected over Jefferson; popular everywhere to a high degree; the pride of New England; already the running mate of Washington; conscious that he had led the armies of peace during the Revolution—in 1800 he found himself plunged into a chaos of obloquy, misunderstanding, and aversion. Hamilton canvassed the country to prevent his renomination, and, failing in this, he contributed as far as possible to his defeat. The Federal organization dissolved beneath him, and John Adams went into history as the cause. Honest research is slowly rectifying false records; yet it will be many years before Hamilton will be rightly relegated from undeserved popularity and John Adams lifted to the place that the new nation gave to him at its birth beside Washington.

One might search the nineteenth century through for an instance comparable to that which led a party, already in full possession of power and with a prospective lease far ahead, to wreck itself and strand its leader—without the least compensation in prospect. The warning is clear that the path of justice and honor, of absolute right, is the only path that can safely be followed by those in power. The people cannot be fooled by cunning pretenses and specious excuses. He has not begun the Alpha of statecraft who imagines he can hoodwink the popular instincts of right and wrong. We are now closing another century with the most emphatic reiteration of the fact that the people can be trusted to govern themselves in the spirit of righteousness, but that the representatives of the people are always in danger of being blind both to the demands of political prudence and equally to popular sentiment. Historic periodicity seems to bring about old truths once in a hundred years—enforcing them with new illustrations.

Close after Thomas Jefferson the final verdict of history will place John Adams as the great constructive force of the Revolutionary and the Constitutional eras—the building period of the nation. There should be a renaissance of love and reverence for John Adams in the hearts of his countrymen. He

should be studied as the ideal patriot, the well-tempered republican, the scholar among statesmen, the man that saved us in the crisis that threatened the displacement of democracy in favor of aristocracy. His moral nature never failed to move, *pari passu*, with his intellectual, in every stage of the world's most revolutionary period.

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THE REFERENDUM IN AMERICA.

THAT there is a strong sentiment in this country, or in certain sections of it, in favor of enabling the People to make their political power felt more directly in legislation cannot have escaped the careful observer of political conditions. The growth of this sentiment can, I think, be readily traced to two sources. The first is the widespread distrust of State legislatures, which, though not confined to recent years, is certainly very much accentuated by the conviction that corporations, Trusts, etc., exercise a dominant influence over legislation, and that this power could be exerted less effectively at the polls than in the lobbies of the State legislatures. Whether or not this conviction be well founded is a question I do not propose to argue; but the fact of its existence will not, I think, be seriously disputed. The second source is an increased faith in the wisdom and virtue of popular government.

Given these conditions, it is but natural that the people should seek some remedy; and, being a practical people, it is not surprising that they should avail themselves of the political experience of other countries. Switzerland having advanced further along the line of pure democracy than any other republic, it is but natural that they should have turned to it. Finding the people of Switzerland armed with the initiative and referendum, the question inevitably presented itself to them as to whether or not these political institutions would be applicable to the existing conditions and be a fitting remedy for the political evils from which they are suffering. In our present discussion we will omit an examination of the initiative, reserving that for separate treatment.

There are two kinds of referendum—optional and compulsory; the latter would require popular ratification of all acts passed by the legislature, the former simply those with which there is popular dissatisfaction. As the compulsory referendum has not been advocated seriously, we will omit consideration of it.

The Swiss plan of optional referendum, as modified in phraseology to conform to that of our American States, involves the following provisions:

1. That after an act has been passed by the legislature in the regular course of legislation it shall not take effect until a certain time fixed by law shall have elapsed.

2. The act as passed shall be printed in all the official county newspapers.

3. That within the said time the people of the State, by a certain number of qualified electors (generally twenty per cent. of the electors of the State), may by petition require the Executive to submit any objectionable act to the electorate before it can become a law.

4. That, in the event of such petition being made, the Executive shall call an election of the people to pass upon such act by a "yes" or "no" vote, by ballot, and in case a majority of the ballots are against said act such decision of the voters shall constitute an absolute veto.

5. That by a certain vote (generally two-thirds or three-fourths) an act may be passed by the legislature to take effect at once. This is a provision for emergencies, in which case the popular dissent cannot be had until the next legislature is elected.

In discussing this plan with reference to its adoption in our States, certain facts must ever serve as touchstones for testing its adaptability: (1) Is it consistent with the fundamental principles of a democratic republic? (2) Is it adapted to the necessities of a rapidly developing State? (3) Would the people be willing and able to give time enough to it to make it effective? (4) Are the general intelligence and independence of the rank and file of voters such as to allow of putting the plan into successful operation at present?

With reference to the first question, there is little room for serious difference of opinion; for it is not difficult to harmonize the principle of popular veto of legislation with the basic ideas of popular sovereignty. Therefore, it seems to me that, if the plan is to be assailed, it is not from the standpoint of its

lack of harmony with the genius of our political system. In fact, we have already introduced the referendum principle into our State governments through the Constitutions of our States; *e. g.*, the Constitution of Illinois provides that the division of counties by the legislature shall not be binding unless ratified by a majority of the voters concerned. Here is clearly a popular veto upon acts of the legislature. Many provisions involving the same principle are found in the Constitutions of other States. The question, therefore, becomes one of degree rather than of principle—how far is it wise to extend the principle of popular veto? Granting that it is wise to apply a principle to a certain extent, it does not follow that it is wise to admit it to its fullest extent. In questions of government, regard must always be had to existing conditions. It may be that a conservative plan, as the one we are discussing unquestionably is, would be well suited to the needs of an old country, in which the conditions of life and industry are largely static, and not at all adapted to a new country in which economic conditions are of great variety and changing with intense rapidity. Moreover, a change in the relative distribution of population from agricultural to urban life necessitates a change in legislation to make it conform to the new order of things. Hence, it might easily be that a system of legislation that would work well in Switzerland, where there is comparatively little need for change in legislation—because of the distribution of population, the lack of variety of industries, and the stage of development reached—would not be well adapted to the dynamic condition of affairs existing in most of our States, owing to their immense resources.

The second question raised is, indeed, debatable, and we have but *a priori* reasoning and an imperfect analogy to aid us in arriving at a conclusion.

In seeking an answer to the third question raised, we must bear in mind this fundamental fact in practical politics: that any system of government requiring for its successful working more of the people's time and study than their economic and social life will permit, or their tastes impel them to give, is

impracticable. This question, like the second and fourth, is one of fact to be determined by experiment, and it seems that the end and the chances of success would justify the experiment. Certainly our political system is well adapted to the performing of such practical experiments in the art of government; our States form a great Political Science University of forty-five laboratories for experimentation—the results of some of which experiments have made every future generation our debtor.

But while I am in favor of a trial of the plan, the successful working of which I would hail with intense delight and satisfaction, I would not close my eyes to the fact that there are many and weighty objections to it; hence, in a spirit of fairness I will present such as occur to me. In the first place, it is cumbersome, requiring machinery of the State to be brought into action for purposes for which it is not well adapted. It is also expensive. Nor is this a trifling matter, when we consider the necessary outlay for printing in the various newspapers and in holding the elections, which includes cost of ballots, rent of polling-rooms, pay of judges, inspectors, and clerks, and a reasonable estimate for time spent by voters. It would necessitate either that a great number of elections be held, which in itself would lead to turmoil and confusion, or that a number of bills be voted upon at the same election, in which case the voter could know very little of the merits of the bills upon which he was voting; hence, his judgment could have but little value.

The impossibility of the voter familiarizing himself with the bills upon which he is to pass will appear immediately from an inspection of the records of legislatures in such States as New York, Pennsylvania, Massachusetts, Ohio, and Illinois; for, as a matter of fact, diligent legislators (for there *are* some diligent legislators), whose entire time and energy are spent in studying bills, are unfamiliar with many bills that are passed by their State legislatures.

It is hardly fair to legislation; for when submission of a bill is secured by petition it is *prima facie* evidence that it

is objectionable, and to overcome this presumption would require a careful study of the bill, which the average voter has not the time to give. The above theory has proved to be the fact in Switzerland, where we find that nearly every bill submitted to the electorate is killed because of prejudged notions; and a large portion of bills thus rejected are found by careful, candid investigation to be wise measures. This is particularly true of appropriation bills, the majority of which were in no wise extravagant; but somehow most men have a constitutional aversion to paying taxes, and hence to ratify measures that will necessitate any increase in taxes. It might not lessen the amount of partizan legislation, but on the other hand it might increase it; for the demagogue would have a wider field and more occasions to manifest that concern for the welfare of his fellow-men which is consuming in its intensity.

Men are, as a rule, better fitted and have greater confidence in their ability to pass upon the qualifications of legislators about whom they know considerable than upon measures about which they know very little. In other words, average men study biography much more carefully than they study political science; therefore, men more readily yield to the judgment of others as to the wisdom of a measure than as to the qualifications of a man. Thus it might infuse into our civic system more "peanut" politics, of which we are already suffering from an overdose. In fact, it is easily conceivable that the petition for submission might emanate from partizan motives rather than from a sense of the injustice or inexpediency of the measure.

It would essentially change the character of the legislature, by removing in large part its responsibility for legislation, until it would soon become little more than a drafting committee.

In its present state of development, the plan is defective in that it makes no provision for amending a bill or for striking out a mischievous clause from a bill otherwise unobjectionable. This defect could, however, be remedied in part by making such changes in it as we have made in the veto power of governors and mayors—by enabling them to veto specific clauses and thus cut off riders to appropriation bills, etc.

The power of the supreme court of the State in controlling legislation would be greatly weakened; for few courts, especially where the judges were elected, would declare a law unconstitutional after it had received the direct sanction of the people. It would cheapen Constitutions; for, ordinary legislation having an equal sanction with the Constitution, the tendency would be to consider all laws bearing the seal of the people as constitutional: hence, there would be no permanent Constitution at all.

I do not assert that all these evils would result, but there is a possibility of it; and I think the possibility—nay, even the probability—is sufficient to make us guarded. Yet, as all systems of government are imperfect; as the plan under consideration is consistent with the genius of our political system and would be politically educative, with at least nothing explosive about it; and as the best and in fact the only conclusive test of the feasibility of a plan is its actual working—I think that the facts amply justify a trial of the plan in question. If found to work well we would have made a valuable discovery in legislative science, and if it would not work well we would be convinced of that fact and would return to our present method better satisfied. I am fully aware of the aversion of many to experiments in political institutions, and I share this aversion, provided the experiment is unpromising or mischievous; but this is no wild-cat scheme, and has many commendable features. Perchance a trial plan would prove in this, as in the elective judiciary, that the actual working would force the logic of theory to give way to the logic of facts.

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OUR FOREIGN RELATIONS.

I. TURKEY AND THE UNITED STATES.

THE Turko-American diplomatic relations have been of recent years most unsatisfactory. The two countries have at no time reciprocated intimate friendship. In the infancy of the American Republic, the Ottoman Sultanate realized the tremendous resources of the newly-founded government upon the Western hemisphere and the power awaiting her in the horizon of her future greatness. Turkey, therefore, thought it desirable to form an alliance with the infant country, and with this object in view she sent an admiral, with his own flagship laden with presents, to the American Chief Executive. But she was chagrined, to put it mildly, to learn that neither the admiral nor his bounty was received at Washington; for fully a year he had to anchor off the harbor of Philadelphia, until Congress reluctantly authorized the President to accept the presents from the Sultan.

The publicity given to the matter at the time and the public comments that it elicited were very unfavorable to Turkey, which has ever since frowned upon the people of this country, with whom she has fully realized that she may not expect an alliance when European nations shall attempt to deface the map of the world by causing the downfall of the Turkish Empire. Furthermore, the righteous indignation of the American people when the world has been thrilled by the frequent Turkish atrocities, and the impassioned speech of Daniel Webster in the United States Senate, have lost for America the confidence of Turkey, which thereby became convinced that she may not only expect no aid from America but also that our people are not more friendly to her than Europe has been; for it was the progenitors of both American and European tribes that fought for centuries against the Saracens. It may be said, therefore, that, since there exist no common interests, diplomatic relations between Turkey and the United States are

a mere formality; for, indeed, commercial intercourse between the two countries is not such as to warrant the expense of keeping up the American consular service in Turkey.

It is evident that Turkey has no "interest" to protect in America. She is not a commercial country; neither are any of her people financiers with American investments. The thousands of her subjects who have found a haven upon American soil are not in need of her protection, for they have fled her domains to escape the persecutions their fathers have met with at the hands of the tyrannical Turks, who have also devastated their country and left them no means whereby they might obtain a decent livelihood. On the other hand, the oppression of Christians in Turkey has elicited for them the sympathy of the liberty-loving Americans, who are at all times prepared to respond to the cry for succor against tyranny and persecution.

Religious intolerance, fanaticism, and racial hatred, which are prevalent in Turkey, elicited on behalf of the Christian population of that empire the sympathy of Christendom; and religious America has undertaken to ease their hardships by educating their children and establishing among them institutions that breathe liberty and inculcate advanced thoughts of life and Nature. Turkey, on the other hand, has been inimical to this work, and is therefore unfriendly to those to whose generosity is due the alleviation of suffering in the Ottoman Empire, where not only schools but orphan asylums and hospitals are supported exclusively by Americans.

The objection of Turkey to the education of Christians may be explained by the fact that it is against her policy to relieve her Christian subjects of the disgrace of illiteracy, into which they have been lulled through centuries of oppression. Her policy is to discourage the betterment of their condition generally; therefore, she bars out their children from her public schools, notwithstanding the fact that the parents are taxed to sustain these institutions. She is desirous of keeping them ignorant, fearing that education would enlighten and influence them to demand tolerance for their religious convictions and

the justice that is the natural right of every living soul, which unhappily is being denied them even upon the very soil that gave birth to the greatest precepts of justice.

The fact that Americans own educational and humanitarian institutions in Turkey entitles them to the protection of their home government; therefore, the United States has "interests" in that country. Moreover, thousands of pilgrims annually cross the Atlantic and the Mediterranean to worship at the shrines of Christianity in Turkey, and such persons must be protected while thus sojourning among fanatic and semi-civilized tribes. Hence, it is to our interest that there exist diplomatic relations between the United States and Turkey, but not for the object of identifying ourselves with European diplomacy, particularly when the so-called "Eastern question" is the issue of the day; for America has repeatedly declared to the world her policy of not interfering with that tedious affair.

The present disturbance in the relations of the two countries, therefore, has not the faintest shadow of bearing on the "Eastern question," but is the result of Turkish intolerance of American humanity and destruction of mission property. The issue that called for the recent strong diplomatic negotiations between Turkey and America is known as the "indemnity claim," for whose adjustment this country refused to join the concert of Europe (which has similar claims against Turkey) in 1898, but preferred to act independently, so that she would avoid being dragged into the Eastern controversy.

The "indemnity claim," however, is not the only question at issue between the two countries. The treaty that was signed by both in 1868 is probably of far more vital importance than all the questions that America will ever be called upon to adjust with Turkey. This treaty has for many years weighed heavily upon the mind of official Washington, which is reluctant to make public the facts of the controversy. It has been condemned by able lawyers as being both unconstitutional and a disgrace to American citizenship, inasmuch as it confers upon the Sultan certain privileges that are beyond the power of Congress either

to claim for itself or to grant to others. Its striking feature is the fact that through it this government is forbidden to protect a certain class of American citizens within an empire with which she holds diplomatic and commercial treaties. The United States government is bound by this treaty to deny not only protection to American citizens but also their citizenship rights. She is obliged virtually to recognize American citizens of Turkish birth as Turkish subjects while living in their native land, although they are accorded the rights of full-fledged American citizens while living in their adopted country and protection while traveling elsewhere—except in Turkey.

It is needless to recall the fact that the Constitution of this Republic demands full protection to American citizens throughout the world. The treaty of 1868 is therefore a travesty upon American principles and institutions. There is only one American citizenship, and it knows no distinctions.

Those who abandon the homes wherein they were born, and in which Nature has portrayed for them pictures of the sweetest memories in human life, should be cordially welcomed when they come here to find a haven and espouse American principles and institutions. A clause in the treaty of 1868 requires that every Turkish subject who desires to become an American citizen must apply to the Sultan for permission to do so and place in the State Department at Washington several hundred dollars, which go to swell the exchequer of the Sultan. And this permission is never easily obtained, although in every case of the sort the American Minister in Constantinople is obliged to open negotiations that consume years before the Sultan grants his consent; meanwhile the applicant, who has been declared a free citizen of America, is forced to support an empire in which he does not live and to which he does not belong. The shortest time in which the State Department ever obtained permission of the Sultanate to receive a Turkish alien into American citizenship, whose rights he had meanwhile exercised, was seven years.

These facts suggest that this treaty should be at once abro-

gated. It is an open secret that the Sultan strongly abhors those who relinquish their allegiance to him and adopt American citizenship, especially because he fears they may enlighten and urge their relatives remaining in Turkey to demand their rights.

The Sultan's legation at Washington is unlike other diplomatic delegations, inasmuch as it conducts no negotiations with the State Department on any important question; for it is never called upon to protect the Sultan's subjects in this country, who have come here to seek American protection against Turkish oppression. The legation is, I am safe in saying, a bureau of intrigue, since it transacts no officially legitimate business; its chief mission is apparently to keep Turkish subjects here in a state of dread and fear, and by threats to compel them to retain their Turkish allegiance.

In my opinion, diplomacy with the Sultan is not the method by which Turkey may be brought to reason. The diplomacy of the whole of Europe, which has been directed toward this object for many centuries, has not yet accomplished its mission; neither has the power of the Christian Church exacted justice for the oppressed subjects of the Sultanate. This country will never accomplish any results through diplomacy with Turkey. A Dewey, a Schley, or a Sampson should be seen and heard upon the Bosphorus—not only that the “indemnity claim” may be paid and that shameful treaty abrogated, but also that the Sultanate may have cause to respect America and protect her interests in Turkey.

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II. THE UNITED STATES IN CUBA.

IN reviewing the present situation in Cuba, it is necessary, in order to arrive at anything like a just estimate in a reasonable length of time, to begin with some realization of the sharp contrasts to be found here in phases of development,

of living, and of moral judgments wrought into the definite expression of words or acts. For palace and hovel, ignorance and culture, refinement and vulgarity, good and evil, verge upon each other with no intermediate ground. As, in the people of the island, the sturdy middle classes that make the bone and brawn of a nation are wanting, so in their customs, their institutions, their homes, their very habits of thought, the golden mean that balances life is a quantity rarely found. Having settled upon this, and realized that you are studying a bit of Latin Europe, not Anglo-Saxon America—even of Latin Europe with much of medieval dust and feudal corruption still unshaken from it—you are better prepared to set out upon your tour of investigation.

To such a people, then, antipodal to ourselves in most of the intrinsic characteristics that differentiate nations as well as in popular institutions, laws, and customs, we came when their need was very sore, relieving them from an oppression of some four hundred years' duration: a relief that every devout Cuban, with "*Patria*" upon his lips, is to-day ready to swear they could soon and easily have achieved for themselves. But, letting that pass, it is still not unprofitable for us to look about thoughtfully and weigh the question whether we have done anything beyond this. Not whether we have set the imprint of the Saxon indelibly upon a civilization in the very process of its new molding—for time is the only test of that imprint as of the civilization—but whether the arbitrary power we have wielded has made, in its chief issues, for practical good: whether, to put it in homely phrase, we have kept house for our neighbor during her invalidism with due economy, system, and consideration for the entire well-being of the individuals of her household.

That we advanced money to pay off her faithful servitors, and sent them from the demoralizing life of idle camps to the fields that needed them, was but a small beginning. What we have done with funds borrowed from our own treasury does not so much signify as how we have managed and shaped the material and human resources upon which the

island is to depend if Cuba free and independent evolves from to-day's uncertainty.

A very good starting-point for our proposed estimate is the balance-sheet of 1899, which undeniably makes a more hopeful showing than any presented by Spain in her best days. The receipts of public funds in Cuba during the last year aggregated \$16,346,015. Of this goodly amount, \$15,011,089 came from customs, \$244,000 from the postal service, \$787,592 from internal revenue, and \$303,331 from miscellaneous sources. The expenditures amounted to only \$14,085,805; and an American may be pardoned for emphasizing the contrast between two items under this head—\$1,269,939 for barracks, quarters, etc., and \$3,052,282 for sanitation. The remainder of the fourteen millions was spent on public works, municipalities, rural police, administration, and kindred necessities. Striking a balance, we find in the hands of the treasurer the sum of \$2,260,209 against future needs.

One may read this, and, turning from it, pick up the Havana morning paper, which states that "the receipts of the Havana Custom House on the 2d inst. [Feb.] amounted to \$47,073;" or, "the receipts of the Custom House of this city on the 6th inst. amounted to \$51,221." The reader may then be ready to exclaim that the United States has not yet inaugurated justice here; for the customs are apparently as exorbitant as under the Spanish régime. But let him go down to the office of Major E. T. Ladd, Treasurer of Cuba, who has controlled the finances for a year, and there he will be enlightened.

In point of fact, the customs have been reduced sixty-four per cent. since the colors of Castile and Aragon were hauled down for the last time from the old Convent Custom House on New Year's Day, a little more than twelve months ago. Yet the revenues are still more than sufficient for the expenses of the island, having yielded, even in this first unsettled and unprosperous year, a surplus of thirteen per cent. If this seems incredible, reflect that Havana ranks in tonnage as the fourth port of the Western world. It is not strange that decaying Spain held on with a death-grip to such possessions.

The most important changes made by the United States in the financial administration of Cuba are these—in regard to customs and the methods of disbursing the same. It is not necessary at this point to go into the details; but it may be well to emphasize the fact that every cent taken in here is devoted strictly to Cuba and the Cubans nationally.

The postal service of the island is now excellent. The rural mail delivery is looked after with a thoroughness that amazes the unsophisticated dwellers in swamps and chapparals. But in this department a large deficit is found, to be supplied from more fortunate sources; for, with monthly returns of only \$16,000 or \$17,000, there is a necessary monthly expenditure of some \$50,000.

The present excellent organization of the native police force of the island is an added example of a liberal and far-sighted policy, and throws some light upon the question of how the United States has been able in the last few months to reduce her garrisoning force from 16,000 soldiers to something less than 7,000. This has been done so easily and quietly that many army men themselves are ignorant of it, as are nearly all the Cubans. Before the days of American occupation, a small and incompetent police force existed in the cities and larger towns; but a rural constabulary, though greatly needed, was unknown. To-day the "rural guards," of native young men selected with much care and discrimination, constitute the good right arm of law and order in the country districts; while in the cities the heavy police force, altogether Cuban, is settling down, after the first months of reckless shooting and injudicious clubbing, into a body far more attentive and efficient than one would have believed a year and a half ago they could be molded into.

"Are the Cuban municipalities self-supporting since the war?" is a question I often hear. In the broadest sense, yes. For municipalities are everything here, corresponding more nearly to our townships. But municipal organization in the island is clumsy and cumbersome, and already in Havana they are trying to formulate something simpler and more effective.

Other reforms are drifting to these people. For us to try to hasten some of them arbitrarily would only retard them. Foremost in this class may be counted the transfer tax, the census or ninety-nine-year tax, and the land tax. The last arrests the attention. Think of a country that reverses Henry George's "ground principle" and taxes land only when under cultivation, thereby putting a certain premium upon idleness! But the Cubans are not ready to accept a reversal of this unjust statute at the hands of their benefactors. There are too many circumstances that make them suspicious of a reform so radical. Yet could this be done at once, and with their full acceptance in spirit, they would be much closer to that industrial revival which must precede prosperity.

Some reforms in the judiciary have been necessary from the first days of our administration, but they have not been easy of accomplishment. There intervened the inevitable and almost daily conflict between the civil and military processes of law. General Wood has already done much to obviate this, stimulating the civil procedure and narrowing the reach of military jurisdiction. By such a policy he has won the confidence of the islanders to a remarkable extent, increasing their admiring affection also by employing Cubans in every position possible, even in his own offices and about his person. It should be remarked that this has been done very persistently by all officials and in every department of the United States' Cuban government.

The lately appointed law-reform commission has not yet completed its task, but it is well understood that its most radical innovations will be the establishment of police correctional courts, presided over by salaried judges, and the acceleration of judicial processes so that justice in both civil and criminal cases may be meted out with less delay than under the old dragging system instituted by Spain.

Before quitting a necessarily incomplete summary of what arbitrary power humanely directed has done in a short time toward the betterment of the conditions of Cuban life, it is fitting to add that public roads and works, which were indeed

the *summum bonum* of executive genius under the Spanish dynasty, are still receiving their share of attention; that the department of agriculture, which must also fulfil the duties of a bureau of labor, is well equipped, although severely handicapped by chaotic conditions in the country as well as by an apparent brief tenure of office where time is required to show results; and that inspectors of forestry have been appointed from every province to guard the depleted timber resources and inaugurate the rehabilitation of the forests and fruit-groves destroyed in the conflicts of late years. I shall not attempt to crowd the vital subject of the educational movement and reform into line with these more material questions, but leave it for separate treatment.

There is scarcely a doubt that some older nation, better versed in protectorates and colonial administration, would have done for these people more than we have in certain lines; but at least we have thus far sown no seed to bear fruitage of humiliation in years to come. An American can scarcely walk through the streets of the "regenerated" cities of Cuba without feeling a thrill of unselfish gratification at the cleansing effect, physical and moral, of the United States government upon a country needing both for centuries. Having bestowed emancipation from tyranny first, and cleanliness next, ability for self-government will follow if it be in our power to endow the people with it; and the climax can then come in complete freedom and right of uncompelled choice as to their own mode of national existence.

Let no one infer, from this presentation of the more hopeful aspect of the question, that all the good seeds are supposed to be sown and the harvest soon to be golden and abundant. Far more remains to be done than we could accomplish in many times the period allotted to our rule here. Railroads are to be built, mines opened, native crops and fruits cultivated with more studious attention, new industries inaugurated, natural resources developed in new lines and economized and guarded in the old;—all of which should be done by native or naturalized labor under intelligent direction. Mere adventurers from

whatsoever land should be kept out, lest evil be added to evil.

This, and much more, for material prosperity. The more vital issues of spirit are not easy to put into words, nor easy indeed of determination. But they exist, and are to be met and coped with—if not by ourselves, then probably by a people of weaker moral fiber. Such consideration may well give pause to any one, statesman or mere babbler on the outside, who would hasten us unduly to the climax and close of our administration in Cuba.

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RAILROAD CONTROL IN JAPAN.

THERE are two systems of railroad in Japan—one owned and managed by the government and the other built and managed by private corporations. The government lines comprise twenty-five per cent. and the private lines seventy-five per cent. of the total mileage, the aggregate being 3,420 miles in 1898. The government owned 768 miles, which cost 75,923,111 yen, or about 99,873 yen per mile; while the private lines cost the corporations 158,181,389 yen, or 60,023 yen per mile—an average of 68,451 yen per mile. The cost of railroads in Japan, therefore, when compared with that of similar utilities in the United States, is very small. In America the cost of building railways is problematical, as almost all transportation capital is "watered," while railroad capitalization in Japan means the actual cost of construction.

The government system came into existence by accident in 1872, when the government built the first railroad, which connected the cities of Tokyo and Yokohama—a distance of 18 miles. The government constructed the road to ascertain the feasibility of such a system, and at the same time to facilitate communication between the two great cities—one the water transportation center and the other the business and political center of Japan. The road proved to be very profitable, bringing the government a net revenue of 208,785 yen in 1873, or 11,599 yen per mile. Encouraged by this experiment, the government built several other short lines in different parts of the empire—76 miles in 1880, 593 miles in 1895, and 768 miles in 1897-'98. The revenue of the government roads increased from 174,930 yen in 1872 to 11,143,742 yen in 1897-'98.

Though the government demonstrated the national blessing of railroads, conservative Japanese capitalists refused to build them unless the government guaranteed a certain rate of interest on the capital invested; for the industry was considered by them very risky in those days. There was a growing de-

mand for railways during 1895-'96, and the government, unable to cope with it directly, decided to guarantee seven per cent. interest on all capital invested in railroads. As a result of this action, the Nippon Railway, the first private railway corporation and the largest in Japan, was chartered in 1885, and the construction of several other roads soon followed. There were sixty-six lines in operation in 1898, and several others were chartered during the same year.

These railroads are carefully supervised by the government, and they do not bring trouble to the people, as all Japanese railroads obey the prescribed rules and regulations without hesitating. But it is too early to form an opinion on this point, because the railroad in Japan is still a new thing; moreover, there are in corporations certain tendencies to become corrupt as political morality degenerates. Japan has, however, several advantages over England and the United States in regard to railroad control, because she saw why State ownership failed in the United States, why public control had not worked well in England, and why State ownership was a success in Germany and Belgium; so she did not have to go through the three stages of railway development in order to obtain the present result. Like *Athenæ*, railroad control in Japan came into existence full armed.

The first railroad law was enacted by the government in 1872, when the first railway in Japan was completed; but it was a mere prescription of rules in regard to the manner of running trains, how the passenger should behave, what kinds of goods should be carried, and the degree of responsibility of the government in case of train wrecks, etc. Several private railroad companies came into existence in 1887, and since then numerous enactments have been added to the original statute. The corporation law of 1893 supplemented the original railroad law relative to the financing of railways, public as well as private.

Any five or more persons may organize a railroad company and apply for a charter to the central government through the local legislature in whose territory the general business office may be located. The originators must furnish to the government

a paper describing the name and headquarters of the company and other details, together with a map of the region through which the road is to pass; also the capital, number of shares, prospective expenses of the road, and names of the originators. Furthermore, the originators must own at least twenty per cent. of the authorized capital of the corporation, which is not allowed to issue shares until the general government grants the charter. If the government finds, after a close examination, that the new road is to parallel one already operating, or that the region does not demand a road, it may not issue the charter. In case the corporation does not begin construction within three months from the date of its charter, the right may be forfeited; and if the corporation cannot finish the construction within the prescribed period it must apply to the government for an extension of time at least two months before the expiration of the time limit, or the charter may be forfeited. As to the gauge, all railroads must conform to the law of 1890, which prescribes three feet and six inches.

After granting the charter, the government, through the right of eminent domain, acquires the necessary grounds and other properties and gives them to the new corporation. Such possessions include lands for railroad beds, stations, shops, warehouses, buildings for employees, etc. The corporation may be allowed to change public roads, ditches, canals, and bridges at crossings, but the cost of such work must be borne by the railroad company. In case the corporation has not finished the construction within the time limit, the government may either compel the forfeiture of the charter or sell the property by auction and allow the purchaser to complete the construction. After completion the road-beds, bridges, and rolling-stock must be examined by government inspectors, under the direction of the department of communications, and the road cannot be operated without the official sanction of the chief of the railroad bureau. If the new company operates the road without the approval of the bureau chief, or runs trains after being condemned by government inspectors, operations shall be directly suspended and the earnings thereof confis-

cated. If the corporation is found practising any irregularities, or wilfully breaking any portion of the railroad acts, the railroad bureau may undertake the operation of the road, and the loss or gain shall be charged against the corporation.

The government has the right to build telegraph lines along any road, and in return the railroad may use a portion of the government telegraph posts and stretch wires for its own use. The government has also the right to buy a portion of the station ground of any private railroad for military or other purposes. The private railroad must furnish, free of charge, part of the station ground or building for mail and telegraph service.

Railroad control properly belongs to the Cabinet, but the specific supervisory power is given to the department of communications, except in extraordinary cases, such as wars and other national emergencies. A law was passed in 1894 creating the railroad council, whose duty is to investigate and discuss general matters of public and private railroads at the request of the minister of communications and recommend remedies. When the government created the railroad council, it was argued (1) that the railroad is a public highway, and must partly come under the control of the department of the interior; (2) that it is a public carrier, and must partly come under the control of the department of communications; (3) that it is, especially a government road, financially connected with the treasury department, and must be supervised by that department; and (4) that it is more or less related to commerce, war, and the navy, and must be controlled in part by these departments. The members were selected accordingly. However, the direct supervisory power is given to the minister of communications, and two railroad bureaus were created—one for the management of government roads and the other for the control of private lines. The controlling bureau examines the rolling stock, road-beds, bridges, and financial condition, etc., of private lines. It is in the power of the bureau chief to compel all railroads to adopt the same (or similar) methods or systems of signals, brakes, pins, fencing, cattle-guards, etc.,

as the government roads, to order repairs of condemned bridges and tracks, and to stop trains if necessary. He prepares annual reports concerning the general condition of all railways and sends them to the general government.

Almost all railroad evils are economic; hence, railroad financing should be closely guarded against irregular practises. Combinations, pools, rate wars, discriminations, preferences, rebates, drawbacks—all have financial linings. The Japanese government, foreseeing such evils, enacted an elaborate corporation law in 1890, which prescribes what shall comprise the railroad capital and what shall be considered as operating expenses. The paid-up capital must be kept separate from the value of the railroad property.

No railroad corporation is permitted to increase or decrease its capital without the approval of the controlling bureau; but it may be allowed to borrow money to the extent of one-half of the paid-up capital. It is perhaps unjust so to limit the amount, for a paying road may be worth three or four times its paid-up capital, and in that case the law practically allows the company to borrow only to the extent of one-eighth of its resources: while some corporations may not be worth one-half of their paid-up capital.

A dividend of a railroad corporation shall not be paid until one-twentieth of the net earnings of the same shall have been set aside as a surplus fund, and all interest charges shall have been paid, if it is mortgaged. The dividend shall be alike upon all equal shares, no discrimination being allowed.

All railroads are required to report to the controlling bureau concerning their financial and general conditions within forty days from the end of each fiscal period, and the books of the corporation must be shown to and approved by the auditor-general at least once a year. The corporation is also subject to annual inspection by the controller of the treasury. It must keep books stating the general business conditions for the examination of shareholders. When persons representing one-fifth or more of the shares apply to the court where the general business office of the corporation is located, the court may appoint offi-

cers to inquire into the standing of the corporation. These are empowered to compel the production of all books, safes, properties, and papers connected with the corporation, and are required to report the facts to the court; moreover, they may give the exact figures and other data to the individual shareholders. All departments connected with railway control have the right to appoint a similar body of officers to inquire into the existing conditions of any railroad.

Since no competition is allowed, there is in Japan no inducement for combinations or pools of railways. It was the competitive system that caused the famous coal pool in the United States, and the same system encouraged the building of the Lake Shore Railroad and caused it to be leased to the New York Central for 475 years. Since the books of all Japanese railroads are open to the public for inspection, it would seem that there is no danger of the capital being watered or rebates or drawbacks being given. Any railroad is allowed to connect with any other, or to cross it by means of bridges or tunnels. No railroad may refuse to receive passengers or freight transferred to it from another road, or to connect through trains. The proportion of rates to be divided between the connecting lines, when one is a government road and the other a private line, shall be fixed by the bureau chief. In case both are private roads they may arrange the proportion among themselves; and if they cannot agree they may appeal to the bureau chief, whose decision is final.

The rebate-fixing power is reserved for the railroad bureau, but the chief does not generally compel railroads to conform to the government rates, except in freight and third-class passenger traffic. The law divides the passenger rates into three classes—first, second, and third. The third may not exceed one sen and a half, and the other rates may be fixed within the maximum rate. The actual rates now prevailing are: one sen and a half per mile for third-class passengers, two sen and a half for the second, and four sen for the first class on almost all railroads. For many years our passenger rates were straight rates, but the government roads have begun to fix distance

(or through) rates on a basis similar to that of American railways, and this will be followed by private lines.

In regard to freight, no discrimination in favor of persons or localities is allowed, nor a larger mileage charge for a short haul than for a long one, as prevails in the United States. The maximum rate by the car-load, with a capacity of four tons, is fixed at six sen per mile; that is, one sen and a half per ton per mile, which is equivalent to three-quarters of a cent per ton per mile in the United States. The freight rate prevailing in Japan is perhaps too high, but it is claimed by railroad companies that it does not afford them much profit, for this sort of traffic is not yet largely developed in Japan, and freight trains are as a rule very light. Statistics show that two-thirds of the railroad earnings represent passenger traffic and the remaining one-third freight. However, it is a short-sighted policy to maintain a freight rate so high as to prevent this sort of traffic from developing. If the roads were to cut down the rate, there is no doubt that this traffic would soon increase; although Japan is still industrially young, and almost the same kinds of goods are produced throughout the country—for that reason very little being transported from one part of the empire to another, except rice and a few other raw materials.

All railroad stations in Japan must be located and approved by the bureau chief, from whom permission to erect new stations must be obtained. All crossings must be bridged and the walks provided with planks or stone pavements, and at crossings in populous centers watchmen must be placed. This portion of the law is very easily enforced and is obeyed everywhere, as any neglect directly concerns the roads themselves. The law deals strictly with cases of negligence, and holds the transgressor responsible for all injuries and damages arising from such neglect.

In spite of the great precautions taken by the government to avoid railroad accidents there have been many serious wrecks, but in most cases they seem to have been unavoidable. For instance, on the 25th of July, 1895, in one of the central provinces, a train carrying 358 soldiers, who had just returned

from the glorious Chino-Japanese war, was blown off the track by a typhoon, and eight soldiers, three brakemen, and one fireman were killed and ninety-eight soldiers injured. There was another sad accident a few months later on the Nippon Railway, in which a train was blown from a high bridge and a number of passengers were killed and injured. And there have been many other disasters. Official statistics of railroads date only from 1889, prior to which year the railroad occupied a very insignificant place in Japan. There were 145 deaths from accidents in 1889—2 passengers, 19 officials and employees, and 124 others. The statistics for 1897 give the cause of death in each case. The majority of deaths were caused by carelessness, but 259 out of 705 deaths were cases of suicide, representing 37 per cent. of the whole number. These figures cover only a few years and give no definite impression, because so short a period has but little value for scientific purposes; but they show that the number of deaths increases quite as rapidly as the railroad mileage. The proportion of deaths from railroad accidents in Japan in 1897 was one death to every 4.3 miles, while the record in the United States during the same year was one death to every 27 miles. This discrepancy may have been due to density of population or in part to carelessness or ignorance of the people in regard to railroads. While railroads have contributed enormously to the development and peopling of the United States, yet the sparseness of population undoubtedly had much to do with the small proportion of deaths from railroad accidents in that country.

The government roads have been very profitable thus far. The proportion of operating expenses to the gross revenue in 1872 was greater than the net revenue, for railroads in those days were innovations in Japan and had very little traffic; besides, they were not managed very efficiently or economically. However, they soon became prosperous, and ten years later the net earnings of the government roads swelled to 8,884 yen per mile—about half the gross revenue.

Thus it will be seen that government ownership of railroads in Japan is more expedient than in France or Italy; still, we

may not conclude that it is advisable for our country to adopt the system that prevails in Germany and Belgium, for we find that some private railroads in Japan are better managed than the government roads. Though there are some private railroads that barely pay their operating expenses, the majority of them are financially in good condition. The Hankai, for instance, spends only about 28 per cent. of its gross earnings and yields a dividend of over 30 per cent. on its paid-up stock; the Nippon Railroad, the largest system in Japan, spends about 45 per cent. of its gross earnings and declares a dividend of 10 per cent. The dividends of eight roads, whose total mileage represents almost four-fifths of the private roads in Japan, show that they are financially successful; besides, their passenger accommodations are far better than those of the government lines, which constantly try to raise freight and passenger charges.

It has been constantly urged by the *laissez faire* school of economists and philosophers that a strict governmental supervision of railroads is wrong, because free competition will regulate all matters of business and cure all evils—like a patent medicine. So great a philosopher as Mr. Fukuzawa, who has been the leading light of Japan's civilization for the last forty years, follows the tone of Herbert Spencer and condemns the majority of the railroad acts by saying that there is no need of such legislation, as the public and the business community are the regulators of such matters. But there are no facts nor experiences to warrant such assertions. It is true that there is a tendency in the Japanese government to over-legislate and become too strict in enforcing its laws; but, when the clumsiness and inconveniences arising from legislative control in Japan are compared with the evils that might arise from the free-competition method, there are a good many points in favor of the former system—even in America. If Japan adopted the principle of governmental aloofness, there is no doubt that the Japanese legislature would have been governed by the railways instead of governing them. The government was wise in

plucking the sting out of railway monopoly at the outset, making the roads comparatively harmless.

It may be objected that, with the far-reaching character of the prescriptions in regard to the issue of capital stock and mortgage, without a strict law against watering of stocks, good railroad financiering is impossible. The State of Texas adopted an act regulating the issue of railroad bonds and stocks; but, since almost all the railroads are mortgaged to more than their fullest capacity, and all stocks are watered, the act is ineffective. However, Texas is a new State, and its railroads may yet become very profitable; therefore, there is some excuse for issuing bonds to a reasonable extent, but none whatever for the watering of stock. The State of Connecticut enacted a law ordering all railroad companies to pay into the State treasury all their net earnings in excess of ten per cent. on the capital stock; but, since there is no legal definition of "capital," the act has accomplished nothing. All the railroads of Connecticut, it is said, systematically watered their stock as soon as the net earnings reached 10 per cent. on the real or fictitious capital, and thus evaded the law.

It may be objected that the Japanese government interferes too largely with railroads in regard to their books and book-keeping; but this is the most satisfactory feature of the railroad acts, because the majority of railroad evils can be traced to this source. It is regrettable that the Japanese government is beginning to weaken and dares not strictly enforce this feature, notwithstanding that there is an urgent demand that the government should closely guard against all irregular practices and protect the public from railroad evils and shareholders from being swamped. It was lack of public inspection of books and book-keeping of railroad corporations that enabled one man to cheat the State of Pennsylvania out of a million dollars; it was lack of public supervision of railroad management that tempted Messrs. Drew, Fisk, and Gould to water their stocks; and every one of the five thousand cases discovered by the famous Railroad Committee of New York could have been traced back to this defect in the statutes of New

York and Pennsylvania. If the United States had adopted our General Statute 820 long before, and the Supreme Court had not declared it unconstitutional, most of its railroad evils could have been avoided. On the other hand, if Japan had adopted so loose a system of railroad control as that of the United States there would have been many evils to combat, and the railroad question might have become the tool of ambitious politicians.

There are, however, certain objectionable features of railroad control in Japan. These are the uniform system of the narrow gauge, limitation of the amount of bonds to be issued by railroads, and prescription of passenger and freight rates. During the Chino-Japanese war it was proved that the narrow-gauge system was a failure from the military standpoint, and disappointed the government. For instance, it took over a week to transport a few thousand soldiers a distance of 770 miles, for the cars were small and incapable of carrying many at a time; besides, the speed could not be increased on account of the lightness of cars and engines. Again, the small cars were utterly unfit for the transportation of cavalry horses. It is unfortunate that the government has compelled all the railroads to adopt the narrow-gauge system—even after having discovered that the system is fit for street-railways but not for national highways. And the prescription of rates is unjust, because two sen per mile for carrying passengers may be profitable for some roads, while some branch lines may not be able to exist on two sen per mile. The same objection may be urged against government freight rates, as some lines are able to collect an immense amount of freight without much trouble while other roads are so situated that they have to assume a great deal of expense in order to secure even a small quantity of freight.

The system of railroad control in Japan may not suit the American spirit, as it is inquisitorial in character; but there exists no practical or serious objection on the part of the Japanese. A railroad, like a bank, is considered a pseudo-public enterprise in Japan, and the institution, in turn, regards itself

as such. Since a railroad is a natural monopoly, governed by the law of increasing return, it should be made subject to public inspection and supervision. In fact, railroads, like the post-office system, are becoming more and more indispensable to civilization; that is, the function of the railroad is becoming more and more public in character, so it is properly a subject of public control.

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THE NON-EXISTENCE OF THE DEVIL.

THIS article is intended to set forth reasons for the conviction that no such being as the *Devil* exists. For definition, the common idea will be assumed—an antagonist of God; the author of evil in the universe; the originator of sin in man; the ubiquitous tempter of souls.

If there is anything of which we are getting a clear conception it is that the universe is one—that, for time and space whereof the vision of science runneth not to the contrary, it has been and continues under one management. What have been called evils in the system, as if they were something alien to it—earthquakes, whirlwinds, destructive storms, floods, and droughts—have ceased to be regarded as foreign and malign, and take place as part and parcel of the one onward march of physical events through which all beneficence is wrought. There is no longer room for tolerance of the idea of the interference of the Devil in the physical realm. Evolution cancels the Devil as a controller of matter or force. The system is so great that there are things that seem to us mere odds and ends—rejectamenta, thrums, objects not placed, not knit up into order; but our final philosophy with regard to such materials will be that they are in and of the one system, and that they call for no originator or manager diverse from the one supervising control productive of the order that is evident. The apparent inexplicability of some fact or force had better be referred to our ignorance rather than to call in the Devil as an explanation.

Sin has its psychology. Nothing is more certain than that the Devil does not appear in the field of the consciousness of sin. Nothing is more certain than that the field is occupied to the full with the individual ego, the sinner. In sin the man is himself the object of a fearfully alert subject—himself. Phenomenally, there is disturbance in the field of consciousness as the result of sin, but it is unnecessary to trace its par-

ticular forms. Poets, novelists, theologians, moral teachers—all are concerned in photographing the kaleidoscopic appearances on that field. Yet there is one constant factor always to be recognized—the subject of the disturbance recognizes himself as solely responsible for it. He owns to himself that he alone set in train the consequences that he experiences.

Probably not more scrutiny has been spent on any matter in the field of moral consciousness than in the attempt to find some way to avoid this conclusion. It is at this point that the Devil has been hypothetically substituted for the ego, the person himself; but this work of substitution is too crude to deceive any one—it certainly does not deceive the subject of sin. This attempt at substitution has been the work of theology—of speculation concerning the natural history of sin; but true psychology repudiates the supposititious finding.

Psychology thus falls into line with physics, and takes its place in the unitary system. We shall put all amorphic, unrelated, abnormal phenomena into the catalogue of the unexplained in the one system, rather than to treat them as evidence of a double government whose parts are in elementary antagonism to each other. In mind, what is not a function of the individual must be referred for origin and mode to the Divine government.

Temptation comes to a man either from his own nature or from his environment. Both belong to the system of God. Sin is a man's own act of maladjustment in that system, with the possibility of a right adjustment existing in his own mind at the time of its commission. The Devil is not only not subject to perception in this field, but would be the fifth wheel to a coach if he were. No man ever yet distinguished between a temptation proceeding from his own nature or environment and one furnished by the Devil.

A careful examination of the Bible shows that the Devil has no better standing therein than in physics and psychology. Take Cruden's Concordance—we do not strike the word "devil" until we come to references to the New Testament. It is an astonishing fact that translators have found nothing in

the Old Testament that they could render as "devil." We should expect, as we travel back toward the night of primitive conditions, to find evidences of the existence of polytheism and fetishism. While incidentally that is indicated, it is evident that the Old Testament was written throughout under the influence of the inspiration of an inflexible monotheism. God, in the Old Testament—

" . . . fond to rule alone,
Bore, like the Turk, no brother near the throne."

That is something we shall want to bear in mind in our attempt to analyze the significance of the term "devil" in the New Testament. We shall find all the way through that no such anti-god as we, perhaps in common thought, have of the Devil could have been tolerated by the advocates and supporters of Hebrew and Jewish monotheism. The writers of the Old Testament had no such idea of a divided moral government as we tolerate in our allowance of the ubiquity of the Devil with the Spirit of God in human souls. But while the word "devil" does not occur, may it not be that an equivalent may be found under other terms? Let us see.

"Satan" occurs in four books of the Old Testament: I. Chronicles, Job, Psalms, and Zechariah. But the conception of Satan in all these books seems to be one and the same; so we need comment only on the Satan of Job. The appearance and action of Satan in this book are matters so familiar that we need not make quotations. Certainly the better and the prevalent opinion is that Job is a philosophical and not a historical book. It is to be regarded as of dramatic form and nature. It would be more than hazardous to deduce from a writing of such nature the actual existence of *any* character mentioned in it. It is very evident on slight examination that Satan in Job—and elsewhere in the Old Testament—is not the Devil of our modern conception. Satan in the Hebrew Scriptures may be regarded as a *hard* character, but not one essentially sinful. He is not an out-and-out antagonist of God. He goes in and out of celestial convocations on fairly good terms with every personage. He conducts an argument with the Lord and re-

ceives permission from him to make an experiment. His office seems to be that of accuser, or district attorney, to bring and support indictments. He appears nowhere as a mental tempter to sin, and is nowhere asserted to be such tempter or recognized as such. He is a meddler with environment but not with the soul.

It is a remarkable fact that, in the trial of Job, Satan's power is put forth only in the physics of his person and surroundings. He does not appear in the psychological field at all. Job is the "In Memoriam" of antiquity. In that great debate on the origin and meaning of suffering, the Devil is not once called in as an explanation of anything. The discussion moves on high theistic ground, and never descends below it. Job maintains that his misery is not due to sin, and his friends maintain that it is. It would have bravely served their ends in the argument if they could have suggested to him that somehow, somewhere in his experience, almost unknown to himself, he had been "instigated by the Devil" to some sin; but they never do it. The psychology of that argument is as clear of the Devil as is the New Jerusalem in the Apocalypse.

In this connection it may be noted that the Psalms and the Proverbs cover an immense field of moral action; yet the Devil never once (except in Psalm 106) appears therein. The repentant sinner of Psalm 51 might have said, "Behold, I was tempted of the Devil;" but he did not. There are only two persons in the psychological field of that Psalm: God and the confessing sinner. Attention is challenged to the range of moral vision and experience in the Psalms and the Proverbs, and to the fact that the Devil does not appear on their horizon.

But His Satanic Majesty appears no more in the historic or prophetic books of the Old Testament than in those poetic. "And he did that which was evil in the sight of the Lord" occurs over and over again. But complicity with the Devil is not once suggested to account for this evil; "he" did the evil, and on "him" the responsibility lay. If the lawgiver and the prophets carried along the Devil in their psychology, it is strange that they never once told that people, "stiff-necked"

and "laden with iniquity," that they were Devil-led and Devil-inspired; but they never did.

The main reason why we have supposed the Devil to have had such a presidency over human history, I think, is because he is supposed by us to have figured in the so-called "fall of man," as set forth in one of the early chapters of the Book of Genesis. Assuming the Devil to have been there, at the "beginning" of the race, *we* have spread his presence and government over subsequent history. But one thing is certain—neither *Devil* nor *Satan* appears in Genesis. Respecting what *does* appear, however, something may be said.

"Truth in closest words shall fail,
While truth embodied in a tale
Shall enter in at open doors."

Men have always known that, and have tried to put all kinds of truth in story form. In the account of "the fall," some one tried to translate the psychology of sin into story. He was successful. He took a photograph that any one can recognize. This makes the story of "the fall" not a biography of one man, but a portraiture of universal fact. No defense of this view is needed beyond the submission of it to test analysis and synthesis by any human mind, and the further statement that this method of interpretation is older than Christianity and as wide as human scholarship. This is the end of all possible attempts to construct the Devil from the Hebrew Scriptures. The mighty unbroken monotheism dominant in the thought of the writers of the Old Testament is the marvel of human history.

It is said that the Jews, in returning from the Babylonian captivity, brought with them ideas derived from the theology of Eastern nations, and that this accounts for the appearance of the terms *Satan* and *Devil* in their thought and language. This may be granted, but we still have to determine the part played by these imported ideas. Because the Jews used the above terms, it does not follow that they believed in the existence of beings corresponding thereto; *i.e.*, that the teachers so thought. The Jews came back from the captivity, as Kant

would say, categorical, bigoted monotheists. Probabilities attach to this fact that grade up into certainties. Let us examine a case to see the force of them.

All the synoptic Gospels record the dispute between the scribes and Pharisees and Jesus as to the source whence he derived his authority to cast out demons. It may look as if both parties recognized the existence of Beelzebub; but it is quite certain that neither could. Beelzebub was simply an instance of survival in language of the names of the gods of the original, underlying stratum of heathenism. The prophets had pulverized all the Baals in that system, which were mere "vanities." It would have been high treason to the Jewish State to have recognized the existence of any such god. And here it may be noticed that Jesus used "Satan" as a synonym for this impossible god Beelzebub. That of itself would effectually dispose of Satan. Theoretically, we should expect the name of a dethroned, degraded, and annihilated god to survive in the literature of sarcasm and caricature; and what we should expect we find. In the case before us, the scribes and Pharisees, instead of making a serious, philosophic, or scientific inquiry concerning the power by which Jesus restored the demonized person to himself, employed against him the weapon of ridicule. It was doubtless with a laugh of derision that they called up the old, dead, heathen god Beelzebub to figure in the case. Jesus used the term *Beelzebub*, not because he believed in the existence of such a being, but because it was the coin of their spirit of vituperation and calumny; that with him was the main thing, and to that he addressed himself.

Out of this clash came the warning in respect to blasphemy against the Holy Ghost. That is expressly said to have been uttered "because they said he had an unclean spirit." The point at issue was Christ's ethical condition, and to that he confined himself. All else uttered was verbiage leading up to that, and is to be regarded as *obiter dicta*. Authority cannot be given to such matter at common law because it is common sense that it should not be. Psychological analysis will support this conclusion anywhere.

It is one of the commonplaces of comment on Christ's method that he availed himself of illustrations from anything that was at hand—the ordinary thought, facts, and events about him, as well as objects from the ordinary scenery. The parables are special witnesses to this truth. If lilies were in the landscape, he would use them for illustrative purposes. If the names of antiquated and hostile deities were afloat in common remark, he would use them likewise; but, of course, they would stand for the undivine, the unethical, the unholy. They were historically degradations, and would be the synonyms of what was inherently and essentially degraded. Jesus used the coin of the realm in every department of thought.

The Saviour used the word *Diabolos* four times only. Let us consider one or two instances. It occurs in the parable of the sower, as given in each of the synoptic Gospels. In the sowing of the seed bad results are reached in three cases, but in only one of them is the agency of the Devil spoken of. In the other two, temptations arise normally, as we all experience them. "Tribulation and persecution" arise in one case, and in the other "the care of the world and deceitfulness of riches" come to bear. Does any one believe that the Saviour meant to call in the agency of the Devil to account for the failure of the good seed in the first case alone—"those that were sown by the wayside?" The "Devil" there simply appears as a short way of describing a bad result. In the second and third cases the psychology of temptation is normal; hence, there is no reason for calling in an abnormal agency in the first.

In that fierce debate with the Jews in the temple at Jerusalem, recorded in the eighth chapter of John, they claimed to be Abraham's children. This claim Jesus denied, but of course on spiritual grounds; for genealogically they *were* children of Abraham. He told them: "Ye are of your father the devil, and the lusts of your father it is your will to do." This was the language of invective, terrible in its stroke; but does it assert anything more than that they were deliberate children of wickedness? He goes on to paint the Devil in the blackest of colors—as a liar and a murderer; but is there any mean-

ing to that except that he would show them their spiritual fatherhood? The blacker he painted their father the more repellant they stood out on the canvas in their lying and murderous hate. In heated argument of this sort, one is not to be held to guarantee either fact or fancy that he may seize for epithet or illustration. No one delivers geological lectures on the stones he throws. Mere invective should not be treated as the deliberate utterance of philosophy or science. Nowhere but in Scripture do men maintain the literal truth of things said *en passant*. The point in view is not the existence of the Devil. The moral qualities of the antagonizing Jews are alone in the focus of thought; nothing else is at issue. Of such sort are all the cases in which Jesus used the word "devil." Is there anything in them to necessitate the conclusion that he either taught or believed in the existence of Satan as a personal being? Jesus used the terms *Satan* and *Devil* synonymously on four occasions only. For instance, in Matthew xvi. 23, we read: "But he turned, and said unto Peter, Get thee behind me, Satan: thou art an offense unto me; for thou savourest not the things that be of God, but those that be of men." This shows how easily strong epithets came into the mind of Jesus, who called Peter, Satan; Judas, devil; and Herod, a fox. From such a habit in the use of terms, nothing can be affirmed as to the belief of Jesus in the existence of the Devil.

It may be said that, to the degree in which the "temptation" of Christ is regarded as a genuine spiritual struggle, it is impossible to hold that it took place in the dramatic form given by Matthew. A good being could not be tempted to do evil when a bad being—known to be the head and front of all the sin of the world—comes before him. It would be morally impossible for temptation to arise out of such a situation. Then, if the temptation of Christ is to be regarded as of value to us, it must be looked upon as taking place under normal human conditions. The scenic form of the record is to be treated as we treat such forms elsewhere—an outward and dramatic form given to an inward and spiritual struggle.

The authority for the existence of the Devil, viewed thus

from the New Testament center, seems tenuous. If Jesus did not teach the existence of the Devil, we shall be slow to find that doctrine elsewhere. There is no need to examine particular texts throughout the New Testament. The principle alone by which we have worked will guide us anywhere, and will be found to relieve the New Testament from responsibility for our common notion of a great omniscient and omnipresent, if not omnipotent, antagonist of God.

St. Paul was a tense rhetorician. It may be submitted that his use of the terms *devil* and *Satan* was founded on a desire to condense into close expression all the forces of evil that he found antagonistic to the kingdom of God, which was with him a kingdom of righteousness and love. Paul was a psychologist of superior rank. He had the keenest insight into the play of righteousness and sin over the human mind. He has described his own experiences in sin with an accuracy of self-inspection that stands as a norm for similar exercise by any of the sons of men. But this fact stands out in clearness: Paul never intimates that *his* psychology in sin was the manufacture of any being but himself—and God. The Devil appears nowhere in Paul's description of his own experiences. His sin was his own as clearly as that of the author of Psalm 51 was his own. If Paul did not find the Devil a necessity, or even a help toward explaining his own experiences, we may be sure that he would not make such finding for any one else; for he called himself the "chief of sinners."

Assume the Apocalypse to be the work of John. The Devil certainly appears in his visions—along with other strange things. But we have now come to the conclusion that many of John's "beings" are but symbols of spiritual processes, forces, and experiences entirely within the domain of man. The final vision of the disposition of the forces of evil is given in the tenth verse of the twentieth chapter: "And the devil that deceived them was cast into the lake of fire and brimstone, *where the beast and the false prophet are*, and shall be tormented day and night for ever and ever." Now, the assertion of the existence of the "devil" is no stronger here than

is that of the "beast" and the "false prophet." But John creates, out of his imagination, the beast and the false prophet before our eyes. These are not, and never were, correspondent beings. They are symbols of the secular and religious powers, found embodied in the Roman Empire, that were antagonistic to the kingdom of Christ. Yet they are considered as having as good a biological existence as Satan himself. They are all three cast into the "lake of fire and brimstone." There is not the slightest indication that John meant to teach the individual being of the "devil" and not to teach that of the "beast" and the "false prophet."

This is the last we read of the Devil in the Scriptures. May we not assume that wherever he has appeared in the Bible he has been simply an imaginary figurehead for the forces of wrong, evil, sin?

It seems to be a solution almost too easy to be valuable to put the matter mathematically—thus:

Beelzebub = Satan = Diabolos.

But Beelzebub *ex necessitate rei* = 0;

and the rest follows. That is the way in which the argument in the New Testament for the existence of the Devil stands.

To the degree in which one is theistically orthodox will he cease to offer the Devil as explanatory of anything in the universe of God.

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BENEVOLENT LOAN ASSOCIATIONS.

THERE is great need of a universal loan association. The poor as well as the rich are frequently obliged to borrow money, but the poor man cannot get it at low rates. Banks will not take a man's clothes, tools, or little household treasures for security; yet the poor man is forced to borrow. Picture to yourself a man out of work for a long time. The rent is due; if he cannot pay it he will be evicted. One of the children is sick. The doctor may be kind-hearted and not charge for his services, but there are medicine and food to get. What in this extremity does the poor man do? He goes to the pawnbroker—with everything he can spare, perhaps even necessities—whose doors are always open to receive anything of value. He must pay three per cent. a month, or finally lose the articles without having received one-fifth of their value. This is not an exceptional case; such are of daily occurrence.

Just above the needy, and wholly distinct from the thriftless, the improvident, and the reckless, is a large portion of the community who are small borrowers. For these there is no provision whatever outside of the pawnshop. What we need is municipal loan associations, or collateral loan companies, and workingmen's associations, managed by men and women that wish to lend a hand to their brothers and sisters. This is not charity: it is simply giving an equal chance to the poor and the well-to-do borrower.

Pawnshops that crowd the poor quarters of a city by their numbers and accessibility contribute largely toward keeping these parts poor. The pawnbroker claims there is no money in his business, and that any association, church company, or charity organization that should attempt his work at lower rates of interest would fail. At the same time there are over one hundred licensed pawnshops in New York City, and one firm announces it has been in business seventy-two years.

The experience of other countries has proved the fallacy of

these statements and will be helpful and interesting in this connection. Not only for centuries has France possessed her Monte-de-Piete, which, though better than our present pawnshops and especially than those of England, where forty-three per cent. is charged, is still open to criticism, but she has other and smaller organizations on this line. One of these societies, at Nice, charges nothing for its services; but the borrower makes a small offering toward its sustenance, and pledges are kept for seven years. The "Mazurel," of Lille, began in the seventeenth century, and lends money for one year only. The "Pret-Gratuit," of Montpelier, was founded three hundred years ago. During a period of increased activity it has never asked or received the smallest payment for its services. The benevolent loan association of Angers differs in that forty per cent. of the loans are free and the remainder subject to a small charge. Quite as interesting is the "Pret-Charitable," of Grenoble, which was organized in 1693 to relieve the poor from the tyranny of the pawnshop. It has never charged interest nor permitted any offering of money on the part of its beneficiaries. Sales of unredeemed articles take place once a year. Loans are made to represent a little more than half the value of the security, and the institution has never suffered serious interruption. If possible only so much of the pledge is sold as is sufficient to repay the loan, and if the article sells for more than the amount originally lost the difference is credited to the owner. Most of those who avail themselves of these institutions are laborers, mechanics, clerks, etc., driven by temporary misfortune to seek aid. In some instances, when money has been voted to redeem small pledges the owners have refused to accept the gift.

Is it unreasonable to hope that the success of these French organizations may encourage the experiments that have been undertaken in this country for the deserving poor? In Spain the pawnbroking business is connected with that of savings banks. Italy may be called the home of the pawnshop, since Savonarola is supposed to have established the first one. Interest is charged at the rate of six per cent. The Bank of

Naples, however, continues the custom of lending money without interest or security to students and others whose characters are considered a sufficient guarantee. In the agricultural districts there are societies that advance food and seeds to peasants on the same liberal terms. The Imperial Pawn Offices of Austria were founded by the Emperor Josef I. Ten per cent. is charged for all money loaned, no matter if it is one florin or ten thousand. These institutions are self-supporting and were organized for the express purpose of helping the poor.

In Germany, pawnbroking is conducted by the State, parish, or private persons, and the rate of interest varies from twelve to twenty-four per cent. a year.

The English government is considering the adoption of a system of municipal pawnshops, and the question should be agitated in this country. The States in which most attention has been given to the subject are New York and Massachusetts. In the former the legal rate of pawnbrokers' interest on loans less than one hundred dollars is three per cent. for the first six months and two per cent. per month thereafter; in other words, thirty per cent. per annum. Upon household effects and clothing the American pawnbroker lends very little—partly on account of storage; but upon diamonds competition forces the pawnbroker to advance a large proportion of the price that the dealer would pay for them.

It is the opinion of many that institutions that lend small sums on pledges or chattel mortgages on furniture or personal effects are even more useful to the people generally than the banker. The small borrowers outnumber the large ones ten to one. There are discouragements: one meets with some dishonest people; but it is the observation of clergymen, missionaries, officers of the Salvation Army, and others in like positions, that the poor are just as anxious to pay their debts as the more prosperous.

As early as 1859 there was incorporated in Boston a Pawn-ers' Bank. The aim of this institution was to enable the poor to borrow money in small sums on personal effects. After various vicissitudes this became the Collateral Loan Company.

Most of their loans are for five dollars each. This company is trying to reach the ideal of the Pawniers' Bank; namely, for the poor to borrow money on personal property of all kinds on reasonable terms. The loans are for four months at one-half per cent. per month.

The Workingmen's Association received its charter from the Commonwealth of Massachusetts on March 8, 1888. This organization was also formed for the purpose of enabling persons to borrow money on furniture and other personal property at low rates. It was designed that they should transact business, conducted economically, at the very lowest rate that would yield a fair return upon the capital invested. One per cent. a month was fixed as the interest rate, and with each payment of interest the payment of an instalment of the principal equal to five per cent. of the loan was demanded: thus encouraging borrowers to save and pay off the loan. Loans have been repaid very fast, averaging from half a year to a year in duration. When illness or misfortune comes the company relaxes its demands and gives time until circumstances shall improve. Besides the interest at one per cent. a month, an additional charge is made sufficient to cover all expenses in investigating and recording mortgage. Loans are made on furniture and household effects, insurance policies, indorsed notes, etc., but seldom on jewelry. Each applicant is questioned with great care and fills out a blank application, giving present residence, previous residence, and business references, and deposits thirty-five cents. The company has of course met with some losses. Loans on horses, boats, pictures, and druggists' sundries have proved unfortunate; but, as a rule, furniture has been redeemed. As the loan, being only one-fourth of the purchase price, is small in comparison with the value of the furniture, there is a strong inclination to pay.

A few years ago Dr. Greer started a loan association in New York, and out of this the Provident Loan Society was organized to give aid, on a strictly business basis, by the loan of money at one per cent. per month, or one-third the legal charge made by pawnbrokers. As a rule, money is loaned on jewelry

and other articles representing large value in small bulk. Reports of this association state that those who obtain loans are rarely found on the records of charitable institutions, but are self-supporting persons that desire to tide over periods of misfortune or illness. The work is preventive rather than charitable. Less than two and one-third per cent. of the loans made in 1896 remained unpaid at the close of the year. This society started with a capital of \$136,000. In 1896 over 28,218 loans were made, averaging about twenty dollars each.

The moral influence of these institutions is one of order, as proved by the number of pledges redeemed during the year. There is a mistaken idea that such institutions foster thriftless habits among the poor. Those who want to get rid of stolen property will still go to the pawnshop, but persons that need a temporary loan to help them through a period of enforced idleness are greatly benefited by wisely-managed associations. When citizens undertake a duty of this kind it is not significant alone because of the philanthropic value of the act but because of the broader aspect. The competition of these societies may eventually reduce the number of pawnshops.

Another value in all these experiments lies in the example they set to the rest of the country. The Whittier Home, a university settlement in Jersey City, has begun to loan small sums on chattel mortgages on furniture, believing that it is better charity to lend in a business way than to give in a sentimental spirit.

To test the matter in a practical way, an interesting experiment is carried on in New York City in connection with some of the churches. The business of loaning money is conducted by men familiar with the wants of the working-people, and with the belief that people living in flats and small apartments are just as much in need of occasional aid in the way of loans as the business man who goes to his banker. It is said by objectors that the requirement of these benevolent loan associations of a recommendation from some charitable organization may exclude the drunkard and spendthrift but cannot prevent pawning for a "spree." There is also raised the plea that the

societies' requirement thrusts in the face of an applicant the fact that he is a recipient of charity, and that sensitiveness rather than unworthiness may deter people from applying. These cases are, however, rare; and the success of loan and saving associations clearly disproves the allegation that small borrowers are as a rule dishonest.

The West is never behindhand in its endeavor for the mitigation of the evils of society. Recently a number of charitable women in Chicago organized a loan association on a small scale. The capital is furnished by contributors, who give from ten to five dollars annually. Loans are made in a business-like manner, the borrower giving his note, countersigned by a responsible guarantor; but the note does not bear interest. Owing to the association's small capital, loans are limited to ten dollars and are payable in weekly instalments. In the event of illness or other sufficient cause, extensions are granted. The managers find much encouragement in the attitude of the men and women borrowing money. A spirit of pride has been inspired by this opportunity of borrowing money for temporary relief in an honorable way.

A member of the society, summarizing results to date, finds that there are those clearly defined sets of conditions where loans may be successfully substituted for alms. The first is in dealing with an element of the respectable poor, applying for relief the first time: very destitute, yet with a future not altogether hopeless. Here is a chance for the loan association to come to the rescue. It will at once relieve distress and serve as a factor from a moral point of view. A second class are those whose only idea is of giving and taking; to such a class a loan is welcomed with surprise and gratitude. The third class includes the degenerate poor, who expect alms as their right. Such people the association endeavors to help by trying to make them see that they have been helped to reach pauperism by the alms that have been given them.

Such a society is educative and uplifting, and deserves encouragement and support. The great marvel of modern charity is not its plenitude but its ingenuity in devising methods

to reach distress. What is needed is coöperation among good men. Prejudice, narrow-mindedness, and bigotry have too long stood in the way of social reform. Experiments in this line are well worth the cost. When all good men shall work together great changes will be wrought; and the endeavor to help the poor man to help himself, in the ability to borrow without losing self-respect, will only be an added testimony that "what is good is of God, no matter what the source."

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MANUAL TRAINING IN MENTAL DEVELOPMENT.

MODERN thought has revealed many a defect in the traditional system of education. One of these (and the higher our ideals for realizing the all-round man the more woful appears this defect) was its failure to aid the pupil in forming correct judgments of the things about him. The time-honored system failed to utilize more than a very few avenues to the mind, and the fruits of so irrational a process are seen in the multitudes of proverbially helpless high-school and college graduates. This fact led Emerson to say: "We are students of words; we are shut up in schools and colleges and recitation-rooms for ten or fifteen years, and come out at last with a bag of wind—a memory of words—and do not know a thing. We cannot use our hands, or our legs, or our eyes, or our arms."

On the other hand, illustrations are countless of the fact that lack of college training does not always disqualify a person from attaining a position of intellectual greatness. The mere mention of the names of Faraday and Franklin in scientific discovery, and of Watt, Bessemer, and Edison in invention, will remind us that not alone to the products of the so-called higher education is the world indebted. Instead of thinking of these self-educated men as having attained a high order of mental-development in spite of their lack of school and college training, is it not more rational, from what we know of their biographies, to credit their eminence to that which was really a higher education—direct contact with things and natural processes? In fact, education through things is the oldest form of education. Consider the life of the savage: all the schooling that is necessary to him he gets by learning to hunt, to fish, and to make war. What mental development is needful in his daily life is acquired by applying his energies to the task of ministering to his animal needs. Like

the beasts, he found himself naked, hungry, shelterless, and surrounded by equally savage enemies. But here the latent superiority of man as an animal began to assert itself. In his struggle for comfort, new ways of using things and applying the processes of Nature to his benefit became open to him. Each tool he invented and each process he discovered furnished him with the means of raising himself to the next stage of industrial progress.

But it must not be supposed that the improvement was merely in a material sense. Since the use of things and processes was impossible without a directing intelligence, the mental faculties were exercised by their constant application. What is true of savage man is equally true of his more civilized descendant. Like our barbarous ancestors, we are surrounded by matter and force; like them, we must understand Nature or we are impotent. Though the progress of civilization has furnished us with countless tools, without a world of matter to apply them to or a source of energy to move them, they are useless—if indeed their very existence be thinkable. Though scientists and philosophers have delved and laid bare the secrets of Nature, we are just as much dependent upon the material universe as were the mound-builder and the cave-dweller.

"Education," said Pestalozzi, "is the generation of power." If our schools neglect to help men in their understanding of the things about them, or refuse to train them to greater potency in the mastery of natural forces, their object will never be realized. The reasoning powers, the habit of investigating causes and the tracing out of effects, and the many qualities of mind that make the difference between efficiency and inefficiency become deadened if they are given nothing to work upon. It is putting it mildly to assert that the old-time college was the graveyard of many a promising example of mental vigor. When we bear in mind the fact that the hand as well as the tongue is a medium for expressing our ideas, the remark of Emerson quoted above is seen to be not without justification. As a combination of the ridiculous and the

pathetic, what shall we think of the spectacle of children being sent to school, literally to have their hands tied, only to be thrown out upon the world where their first and most important relation is that to tangible things?

With such thoughts in mind we can appreciate the claims of the manual training school as an important factor in mental development. Every faculty of the mind is susceptible of cultivation through exercise and comparison. If we wish to sharpen the memory, we memorize; if to measure distances by the eye, we attempt to estimate them. But every such increase of mental capacity must be gained by comparing results attained with results wished for—or, in general terms, the actual with the ideal.

In every person, no matter what the age or stage of civilization, we find a creative tendency, an instinct, we may say, which through the agency of matter strives to proclaim its divine kinship. This is seen notably in the case of children: activity and mental alertness are perhaps their most marked characteristics. It may be, to speak figuratively, that each faculty has an intuition that inactivity means atrophy and death, and that to satisfy the instinct of self-preservation exercise or use of the faculties is enjoined. The power to make thoughts is itself weakened by every neglect of thought-expression. This is the point of application of the forces of the new education. It will be observed that the compelling element comes not from the side of the teacher: it is entirely from the side of the pupil.

But in order to make the expression exactly correspond with the thought, the muscles that move the tongue and the hand (our only avenues of expression) must be correctly guided. Every one has realized at one time or another that a tool in the hand is incapable of directing itself; not even the muscles can of themselves act in any particular direction. Back of every muscular action must be the *mind*, and, what is more to the point, a certain mental quality upon the extent of which depends the power of realizing the complete thought-expression. Thus, in order to make this expression in wood-joinery,

care in reasoning and accuracy in measurement are necessary. If the desired result is a bit of ornate carving, imagination and sympathy with Nature are essential factors. If a piece of cold metal is to be wrought into shape at the vise or in the lathe, the unavoidable slowness of the operation requires patience and perseverance. If the thought is to take the shape of a piece of forged metal, promptness and decision—the necessity of “striking while the iron is hot”—is an evident requisite.

No one will suppose, however, that, with all the care and judgment a pupil can bring to his work, the result of his efforts will always be satisfactory to himself. In fact, to every live soul stretching out to attain perfection the result achieved always falls short of the ideal. The first efforts of the pupil are usually, if not always, failures; but in his appreciation of his own shortcomings there is being constantly driven home to him the necessity of being, as the case may be, more alert, more patient, more careful, more logical, or more prompt. He is forced to admit the truth of the proverb about time and tide, and that the principle of cause and effect is no respecter of persons. The very desire to express a thought in the concrete compels the exercise of these mental qualities. It will be further seen that with every attempt to make an achievement surpass a previous one, these qualities are called upon, and in their continued exercise will be strengthened and put in readiness to meet a more advanced problem.

All this may readily be granted, and yet the vital point is to follow. No person that has learned the lessons of attention, concentration, correct reasoning, accuracy, neatness, perseverance, and decision by working in concrete materials will make use of these lessons only in the school-room, nor merely when working in clay, wood, or iron. The boy whose habit is carefully to examine, step by step, each stage in the making of a dovetailed box, for instance, will carry this habit of analyzing and logically putting two and two together into every walk of life. He also that has felt the exultation as each step in his construction of the steam-engine was completed, and the engine justified its creation and proved the correctness of his

reasoning by actually running, in the new-born confidence of his powers of achievement is not likely to shrink from an undertaking through imagined incompetency. And with this respect for himself as a creator there comes to him naturally a high regard for intelligent labor. In his eyes the stigma that slavery-cursed centuries have put upon the toiler vanishes, and in its place there comes to him a dawning appreciation of the value and dignity of every manner of expressing the God-like attributes of man.

The value of manual training as a factor in *general* mental development deserves emphasis on account of a widespread notion that such training is of importance only to those who intend to follow mechanical pursuits. The opposition to manual training was at first based upon its supposed inapplicability to any line of activity. It is now admitted to be of value, but, according to an idea that still finds expression, not to those who are not prospective artisans. As well might we recommend physical culture only to would-be pugilists. It is asserted with a confidence grown from hundreds of successful mental demonstrations that a system of mental training through the hand and eye is as helpful to the lawyer and physician, the statesman and the priest, as it is to the carpenter or sculptor. There is no mental organ of banking, no "bump" of tinsmithing. A mental quality developed through the agency of a certain craft does not lie dormant nor wait until the identical kind of work rouses it to renewed activity. To be specific, the lessons of economy and correct reasoning that have been learned at the tinner's bench are not to be despised in the counting-room.

In conclusion, we must not forget how the influence of a pupil's experiences of things and processes clears up his ideas of the universe and puts him in better mental accord with Nature. One who has been compelled to submit all problems to the test of reason, and who sees definite results always following from definite causes, will never doubt the invariability of the laws of being; for with every "question put to Nature" the certainty of the principle of cause and effect receives new

confirmation. A child whose mind has been unfolded along such lines will never be a pessimist, nor will he ever be guilty of holding the "theoretically this, but practically that" philosophy.

Hope for humanity lies in the fact that our educational processes are giving more and more attention to those activities which promote the power to think clear and straight. Only so long as the chronic counsel-darkener is the normal product of the schools will the strongholds of so-called conservatism present any formidable resistance to the progress of civilization. To reach the heights to which man's soul aspires, the ladder is strong and ever ready; and though medieval superstition, clothed in the garb of respectability and claiming the voice of authority, may denounce the ascent as impossible or impious, those who have followed Truth over a few rungs of the ladder may rest easy in the thought that the foothold is secure and that the pathway leads inevitably to the heart of the Infinite.

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PERNICIOUS MAXIMS AND IDEAS.

IT has been said that there is no positive without a negative—no virtue without a corresponding vice.

The power of communicating thought by means of words, enabling the individual to act on the formulated experiences and ideas of others, is one of the most potent factors in the process of civilization; this power perverted, however, is a retarding agent of no mean significance.

The good that has been accomplished by thoughts crystallized in brief, pointed sentences is beyond estimate; yet, if we could know merely the financial loss occasioned by the misuse of these forms, we would turn for a while from the discussion of industrial and political problems to consider a few simple combinations of words—false in whole or in part, yet bearing the stamp of truth and passing unchallenged from lip to lip. If, moreover, we could realize the mental inertia, the moral perversity, the social detriment caused by these allies of evil, we might, perhaps, set a stricter guard over ourselves concerning them, and think it a part of altruism to oppose their acceptance by others.

Maxims passing freely in society acquire credit because of their currency. What is generally said is taken for common sense, and is usually accepted without question. So it happens that maxims, seeming to express the general opinion, become rules of conduct. We imitate our fellows both consciously and unconsciously; and to imitation, working upon the material stored in words, is due in large measure the tendency of the individual to shape his conduct by the standard of others. Conscience, unworthily yielding to custom, attempts justification by throwing responsibility on society. The Danbury *News* man said, "They all do it," and the significance of that expression has been broadened until it serves not only to excuse but to incite misconduct and even crime.

Proverbial workers of iniquity assume various and effective disguises. Most of them come to us in some semblance of

truth, and with the authority of long continued public approval. Remove the mask from "Honesty is the best policy," and its subtle hypocrisy is evident. Honesty is *right*, not "policy"; yet this counterfeit of truth has passed for generations. Perhaps more dangerous than this, because of the element of truth it contains, is the self-sufficient assertion that "Man is the creature of environment." It acts as a salve to conscience, and exerts a deadening influence upon just ambition. I am what I am because my surroundings have made me so. I should like to be something better, but I am "the slave of circumstance," and it would be useless to struggle against my bonds. "All things come to him who waits"—perhaps something may come to me; if not, "what can't be cured must be endured," and I may as well "let well enough alone." So the victim of masquerading half-truths reasons mechanically, not realizing that man can react upon his environment; that many desirable things have to be gone after; that what cannot be cured may be alleviated, and that "well enough" means the best that is within the attainment of reasonable effort.

Possibly there has never been a more efficient aider and abettor of the crime of embezzlement than the insipid joke about the cashier going to Canada. That idea, now somewhat trite, it is hoped, once had such wide circulation that it seemed to be generally expected, as a matter of course, that a cashier would embezzle and leave the country. Less in rank but equal in iniquity, reminding one of Shakespeare's man who "smiles and smiles and is a villain still," there is an apparently insignificant expression that has gone a long way toward making one kind of theft respectable. One who would not even think of doing a thing so criminal as to pick a dollar from your pocket will unblushingly leave your property without making just payment for its use, and smilingly say that "It is cheaper to move than to pay rent." The criminality of a still worse kind of theft, perhaps the worst, is obscured by the satire that enormous theft is successful finance. He who, driven by the pangs of hunger or despair, steals a loaf of bread is a contemptible thief worthy of imprisonment; but he whose theft is

counted by six figures is a financier worthy of respect and admiration. What mockery of justice and reason!

Some of these maxims are so individual, so half-human in their power to do evil, that one can hardly avoid personifying them. "Every man has his price" is clearly the bosom friend of bribery and corruption; "Dead men tell no tales" is *par-ticeps criminis* in many a foul murder; and "Every man must sow his wild oats" is the agent of vice—the enemy of youth. Thus we might go on calling criminals to account; in many cases, however, all that seems necessary is to direct attention to them in some especial manner. So we will begin here a new Rogues' Gallery, with a few familiar faces that deserve a prominent place and a good light:

"Every one for himself, and the devil take the hindmost."

"When you are in Rome, you must do as the Romans do."

"Friendship is a matter of streets."

"A bad beginning makes a good ending."

"The end justifies the means."

"Money makes the mare go."

"The better the day the better the deed."

"Stolen sweets are sweetest."

"The devil is not so black as he's painted."

"Get all you can, and keep all you get."

"Never judge by appearances."

"One may as well be hanged for an old sheep as a lamb."

"Do others, or they'll do you."

He who knowingly passes counterfeit coin is a criminal against society; and he who knowingly passes counterfeit truth cannot be held guiltless.

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THE ETHICS OF CRIMINOLOGY. .

I. RESTITUTION TO VICTIMS OF CRIME.

THE progress of civilization has modified the penology of nations. Justice was anciently conceived to be embodied in the prescription, "An eye for an eye, a life for a life." More modernly the sacredness of property was so exaggerated that petty larceny was rewarded with the death penalty in the most enlightened nation of Europe. A higher estimate of the value of human life, the rise of the democracy, and the broadening of human sympathy, as attested by a thousand philanthropic movements and institutions, have combined to temper the rigors of retributive justice.

Society, furthermore, has become conscious in some degree of its own responsibility for the misdeeds of its members, and a recognition of the influence of heredity argues strongly with candid minds for lenity to the depraved. So multipotent, indeed, is heredity now thought to be in shaping and limiting the individual that nothing short of Omniscience can mark a boundary and say: Here transmission ends and there purely individual choice begins; at this point necessity stops and now responsibility reigns. If we accept what may be called the extreme view of hereditary influence, we shall be constrained to believe that penalty for crime is justifiable only as a deterrent.

Despite the fact that penalties are still graded in supposed correspondence with the quality of offenses, the punitive principle, as such, has been largely eliminated from law and practise. Torture is tabooed and the whipping-post has at last been abolished almost everywhere. Indeed, the health and comfort of prisoners are aims now quite essential to good repute in prison management. Needless humiliation, even, is avoided, and the death penalty is inflicted with growing aversion to display and all unnecessary suffering.

Beyond the bare necessity of restraining evil doers of their misused freedom and the supposed deterrence of others thereby

from criminal courses, the aim of enlightened society is reformatory. The prisoner while incarcerated is, if possible, to be so wrought over by education, industrial training, and religious influence as to develop any latent moral quality he may possess and fit him to become a safe and useful member of the community at large. This is commendable. To reclaim the criminal is to prevent crime and enrich society, and society should use all means available to this end, the pursuit of which scores a high-water mark of advancing civilization.

But in all this merciful and wise modification of the laws relating to criminality, one class, intimately concerned therein, appears to have been overlooked, namely, the victims of crime. What has the law declared, or philanthropy even suggested, as a means of affirmative justice to the sufferers from outbreking wickedness? If they are very poor they can, of course, appeal to the charitable institutions for aid, and if they are sick or injured the hospitals, if there are any within reach, may be open to them—but in neither case because they are the victims of robbery, deceit, or violence. The same relief is available for others. Let us invoke a few illustrations—already too common.

A workman on his way home on Saturday night, with his week's or more wages in his pocket, is set upon by a gang of roughs, so beaten as to unfit him for work for a week or two, if no worse, and his money, all he possesses, taken from him to be spent in dissipation. The authorities, if informed, will take him home or to a hospital; they may furnish him with medical attendance and his family with food, if asked; and they will endeavor to arrest the offenders and fine or send them to jail for brief terms. And there society, as voiced in the law, seems to think that its responsibility ends.

It is right to imprison the robbers for the reasons heretofore adverted to, if no others; but their incarceration is of no advantage to the injured workman, except as it may gratify a childish thirst for revenge. It does not restore his stolen money, or compensate him for his time lost from work. Is it not a necessary part of even-handed justice that such amends

should be made? Even when fines are collected no part thereof is paid to the injured parties. How can we call that justice which deals only with one side of a case, making no effort to award recompense for loss or injury to those in whose persons society has been outraged and its laws contemned? Is not such a system halting, fragmentary, and incomplete?

A civil suit under the circumstances above supposed, which are very common, is out of the question. The offenders have no visible resources but their ability to labor, while the workman has neither time nor means to spend in a legal fight. Should not such conditions be provided for? I do not think we are justified in assuming, as society seems to have done heretofore, that no such provision is possible.

The thieves once in confinement are set to work. Under intelligent management, prisoners employed, either at indoor trades or on public works, are easily made to earn considerably more than the full cost of their detention and support. This is shown in police-court cases where the culprits are jailed to work out fines. In some prisons this profit, or a part of it, is regularly placed to the credit of the convict and paid to him on his release. Let us then empower and require the courts, in a well-defined class of cases, to reimburse the victims of robbery, where the stolen property is not recovered, and of assault, and to sentence offenders for terms of sufficient duration to provide the funds for such purposes out of the value of their prison labor. If the criminals in some cases are not apprehended at once they are pretty sure to be caught eventually, and the increased responsibility herein advocated would tend to greater vigilance in the prevention of crime and the pursuit of offenders. But delay or failure in that respect does not invalidate the inherent right of the victim to reimbursement, nor should it—certainly in distressful cases—hinder the process. The first duty of organized society is to prevent disorder. Prevention failing, disorder should be followed by enforced reparation for injury. The wealth and power of the State are morally bound to the latter as to the former, and should be so obligated in law.

A guardian or trustee embezzles the estate committed to his charge. If after discovery he is possessed of accessible means a civil suit may compel restitution, provided always that the heirs or other owners have the means with which to proceed against him; but he may have squandered or secreted the property, and a civil suit would be fruitless. Proceeding criminally the State may imprison him, but if he behaves well in duress, showing contrition and a good purpose, his further detention will appear unnecessary and objectless, and he will be released by the shortening of the sentence, or by a pardon. In the meantime the penniless orphans have experienced no benefit whatever from the so-called justice executed and are wholly without redress. Why not compel the defaulter to work for the support of his victims, utilizing his abilities to the full in the State service and paying the proceeds, either by anticipation or as they accrue, to the wronged persons? This would be real justice and all men would recognize it.

Let us look higher in the scale of offenses. Accidental death, due immediately or remotely to error or negligence, is the frequent occasion of successful damage suits. The responsibility of the parties recovered from is well settled, though the intent to injure is wholly absent. The great and irreparable loss sustained by surviving relatives is recognized by the law. In the event of death by murder the loss is equally severe and the responsibility incomparably greater, but society provides no compensation for that loss. The law aims only to discover the guilt and destroy the guilty. Obviously, however, the death of the murderer is of no avail to the family bereft of its breadwinner, often helplessly poverty-stricken as well as grief-stricken at one blow. The awful vengeance of violated law may be a just award to the sinner, but it does not feed and clothe and shelter the widow and the fatherless. Indeed, it cuts off what might be a means of their support. Can we not find a more practical way? "Avenge me of mine enemy!" may have voiced the orphan's cry in a more ferocious and less utilitarian age, but the beneficent materialism of to-day looks first to the sustenance and comfort of the poor as the *sine qua*

non of a well-ordered community. It would seem, therefore, that a well-considered plan by which, as a measure of right and justice and not of charity, the surviving relatives—particularly if dependent—in cases of homicide could be provided for, would command general approval.

How should the funds for this purpose be provided? There may be objections to the State's insuring all its citizens indiscriminately against murder and manslaughter. Here, as in the other classes of offenses noted, the culprit should himself repair, so far as possible, the damage he has done. If he has an ample estate the law should apportion therefrom a liberal indemnity to the heirs of the slain. If his possessions are small and required by a dependent family of his own, or he has no possessions, the slayer should be treated in the same manner as the "tough" and the knavish trustee.

Of course, this calls for the abolition of the death penalty. That it should be abolished on other grounds than that of requiring restitution I firmly believe. Some of the reasons often urged I will name in passing. That the deterrent influence of execution has been much overrated seems to be pretty well established by comparative statistics. It is certain that some innocent men have been judicially killed; how many in any country it is, of course, impossible to say. "To err is human;" a man once dead is past receiving reparation for a terrible mistake. The reluctance of juries to inflict capital punishment often results in failure to convict the guilty. More serious still is the consideration that some men are born almost murderers as truly as other men are born poets, or generals, or financiers, or inventors. The destructive and ferocious bent is prenatal and may be apprehended from the shape of the head in childhood. Granting that the murderous twist could be cultured out, the fact is that most great criminals have never had that beneficent experiment made on them in their youth. How, then, shall we measure their responsibility; and how answer for the cutting off of such beings from possible reclamation in later years?

But the argument that I desire specially to urge here is wholly of the practical sort. A man, whether free or under

forfeit to the State, is of value to the State and should not be wasted. He has an earning power, active or latent, that should be utilized, if he is a criminal, in repairing, so far as may be, the injury he has done. To kill him is as wasteful as to burn up useful property. Even the most truculent and incorrigible should not be destroyed unless every device of modern prison discipline, supplemented by the softening influence of time, has been exhausted in their behalf. By substituting for the death penalty a life of industry in behalf of the bereaved, lives now thrown away would be saved to usefulness; judicial errors, if they occurred, could be corrected; justice would be done to the sufferers by the crime as well as the doer of it; the sensibilities of society, now shocked by judicial slaughters, would be respected, and no safeguard to human life would be sacrificed by the change.

Details are not essential to the present purpose. If the principle be accepted that society, in assuming the protection of its members and taxing them to sustain the elaborate machinery provided therefor, has a responsibility beyond that now recognized in law, the shaping of a method for its discharge need not be difficult. Such questions as these will arise: Should the sum to be paid to the surviving dependents in a murder case be a fixed amount or be modified by the degree of atrocity of the crime, or the rate of earnings of the deceased, or by other considerations? If the murdered person leave no dependents, or his family do not need an indemnity, shall the earnings of the culprit go into a fund out of which all public indemnities shall be paid, so that if other offenders are incapacitated by death or otherwise from contributing to the fund their victims shall not be deprived of compensation nor the State unduly taxed? Shall indemnities be in the form of a lump sum or an annuity for a given term?

The needful thing is to extend the principle of equity into the domain of criminal jurisprudence, the State in a sense standing sponsor for the good behavior of all to all, and requiring the assailant, the faithless guardian, the murderer, and the rest to make restitution by their property or their serv-

ice. The Indians, or certain tribes of them, applied this principle in a direct way, requiring the slayer of a man to provide for the dependents of his victim, if they so desired. The Mosaic law is filled with just ordainments perfectly congruous with the course of procedure urged herein. As they are accessible to all they need not be quoted here, but their perusal is commended. The great Lawgiver, whose system of government for his people was the model from which our own Republic was built, sought to establish equal and easily obtained justice, reparative as well as retributive; and we cannot do better than study his principles and seek to apply them to the conditions of our time.

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New York.



II. WOMEN AS CRIMINALS.

THE new study of abnormal woman is a very important work—one that has offered much greater difficulty in the way of research and observation than that of abnormal man. Lombroso, the Italian criminologist, says in his preface to "Criminal Women": "The chief results of our first investigations were in opposition to the usual premises. Even individual and partial observations seemed to clash; so that if one wished to be logical one was obliged to hesitate as to a definite conclusion." However, through the unceasing work of a few, chief among them Lombroso, some definite conclusions have been reached.

A criminal known as a complete type is one in whom four or more of the characteristics of degeneracy are found; a half type, that which contains at least three of these; and no type, a countenance possessing one or two anomalies or none. The real criminal type is more rare among women than among men, for various reasons. Women are less inclined to crime. It is the occasional criminal that one meets most frequently, and as such have no special physiognomy they can offer no exam-

ples for the type. Again, according to Lombroso, the cerebral cortex, particularly in the psychical centers, is less active in women. The irritation consequent in a degenerative process is neither so constant nor so lasting. For a similar reason genius is more common in men than in women. Few women are born with criminal tendencies; but when these are present the criminality is more intense and depraved in them than in the male delinquents. They are found wanting in every attribute belonging to normal women. For example, there is a total lack of maternal affection, pity, and love; they are excessively revengeful—revenge among this class being one of the chief motives for crime. In the place of real and strong sentiment there is a mawkish sentimentality, which is particularly manifest in their letters.

Women born criminals are as a rule intelligent, and make up for their weakness, and want of physical force to satisfy their natural depravity, by having recourse to cunning in their fight against society. But, no matter what may be their degree of intelligence, their minds are always on the alert; hence, not as many impulsive crimes are committed by them as by men. Impulsive female criminals, who revenge themselves for a small offense, or women of great physical strength, may have only average intelligence; but the ferocious criminals who commit a multiplicity of crimes are generally very able. Often the very originality of their crimes is proof of this. To kill a man in the explosion of rage is compatible with the intelligence of a Hottentot, but to plan poisoning demands a certain amount of intelligence. Frequently the ability of born criminals lies in the deliberation with which their plans are laid and the ends accomplished. Whether we regard it as an effect of weakness or as suggested by the reading of romantic literature, it is equally an evidence of intelligence above the ordinary. Yet often in the case of the cleverest criminals their plans prove defective. When most elaborate they are constantly absurd and impossible, not to say mad.

Vengeance plays a leading part in the crimes committed by women. The psychic centers being in an excited condition,

the smallest stimulus provokes a reaction out of all proportion to its cause. The woman is less rapid in her vengeance than a man. She gloats upon her revenge for days, months, and even years: the explanation being her weakness and the relative timidity of nature that restrains where reason alone is powerless. Most often the hatreds and modes of vengeance are of a complicated nature and origin. They conceive mortal hates with the most extraordinary facility. Every small check in the struggle for life produces in them hatred for somebody, and frequently that hatred ends in crime. A disappointment turns to hate for the person that caused it, even involuntarily; an unsatisfied desire breeds resentment toward the person representing the obstacle; defeat results in detestation of the conqueror. All these appear to be but slower forms of the passion that causes children to administer a shower of blows upon any obstacle against which they have knocked their heads; and they prove an inferior physical development, common not only to children but, according to some authors, to the lower animals.

Although to a less degree than vengeance, greed and avarice are frequently the moving cause of crime. Women criminals, like the men, have an overpowering desire for money to waste. Messalina caused the richer citizens of Rome to be killed solely that she might have their villas and their wealth.

Strange as it may seem, love is very rarely a cause of crime among women. In their love there is no spirit of self-sacrifice—only the satisfaction of their own desires. Possessed by one idea—hypnotized, one might say—they are unconscious of peril, and rush into crime to get that which with a little patience they might obtain without risk. When the object is obtained they cease to care for it. If arrested and tried, self-salvation becomes their one idea.

Yet another frequent cause of crime among women is love of dress and ornament. They steal, not from need, but in order to buy articles of luxury, etc.

Perhaps only one thing characterizes alike the male and female born criminal, and that is love of evil for its own sake.

Their hatreds are automatic, springing from no external cause but from a morbid irritation of the psychical centers, which finds relief for itself in evil action. Continually under the influence of this stimulus, they must visit their anger upon some victim; and the one with whom they are brought most frequently in contact becomes upon the merest trifle the unfortunate.

A religious feeling is by no means rare among criminal women. They even go so far as to think that God enters into their work, and that He will help them. One woman, after committing a dreadful murder, was heard to say to her counsel, after she had been condemned to death: "Death is nothing. One must think of the salvation of one's soul. The rest is of no importance." And, in strange contrast to their usual depravity, these people are not wanting in a paradoxical and intermittent goodness. They are kind to the unhappy, simply because the latter are in a worse state than themselves. This would be a source of instinctive satisfaction to natures in whom the good fortune of others inspires only hatred. Their love of power is gratified by good methods for once. Their kindness is of an inferior sort, springing from what might be called composite selfishness. This intermittent goodness explains the behavior of the most ferocious among them in the presence of the scaffold—behavior that frequently to ordinary observers seems so heroically Christian and resigned as to appear a miracle worked out by God for the salvation of a lost soul. The criminal receives a sentimental suggestion from her spiritual adviser, under whose influence she falls all the more readily because of her peculiar position; and she is moved by his appeals to the milder feelings, in which she is not totally wanting, because of the absence of the stimulus to evil. Add to this the instinctive yearning for sympathy and protection that possesses women in general, and is likely to make itself strongly felt when they are rejected by the world and on the brink of the tomb.

Another peculiarity of the female offender is her obstinacy in denying her crime, no matter how convincing the proof may

be. The male criminal, when denial no longer serves, usually confesses; but the woman only protests her innocence the more strenuously the more obviously absurd her assertions become. When criminal women do not deny altogether they invent excuses so elaborate that even a child would not believe them. They will change their line of defense two or three times, and assert each new statement with undiminished ardor and apparently without reflecting that the variation in their stories will influence the judge against them.

Again, the woman criminal will often reveal her guilt in a perfectly spontaneous manner—a singular psychological phenomenon for which there are many causes. One is what men say is the chief characteristic of woman—her liking for gossip and inability to keep a secret. Another is the habitual feather-headedness and imprudence of the female criminal, who does not realize the peril to which she exposes herself by alluding publicly to her crime. Often her need to *talk* about her act finds indirect means; but never does she invoke the memory of her crime by writing or drawing, as men frequently do.

Women are not only longer lived than men, but have greater powers of resistance to misfortune and grief. This is a law that in the female criminal seems almost exaggerated, so remarkable is her longevity and the manner in which she bears the hardships of prison life. Aged women criminals outnumber the men. Many women have been known to live in prison from the age of twenty-nine to ninety without apparent injury to their health. Between 1870 and 1879 the prison returns of Italy showed a percentage of 4.3 among the women and 3.2 among the men who were over sixty.

Yet, with all our investigations and data, the question still remaining to be answered is, Why with the advance of civilization is criminality increasing among women?

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